

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

EIGHTEENTH DAY'S PROCEEDINGS

**Thirty-First Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, May 24, 2005

The Senate was called to order at 1:30 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Uilo
Total - 36		

ABSENT

Hollis
Total - 1

The President of the Senate announced there were 36 Senators present and a quorum.

Prayer

The prayer was offered by Pastor R. L. "Lee" Lamury, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator B. Gautreaux, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Introduction of Senate Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 99—

BY SENATOR DARDENNE

A RESOLUTION

To recognize Tuesday, May 24, 2005, as Dental Hygiene Day and to commend dental hygienists around the state for their outstanding contributions to the oral health of citizens of the state of Louisiana.

On motion of Senator Dardenne, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 100—

BY SENATOR BROOME

A RESOLUTION

To commend Tamika Lynette Lolis upon her selection to participate in the Japan Exchange and Teaching Program.

On motion of Senator Broome, the resolution was read by title and adopted.

**House Bills and Joint Resolutions
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 78—

BY REPRESENTATIVES LAFLEUR, SALTER, ALARIO, DORSEY, AND HAMMETT AND SENATORS HINES, BAJOIE, HEITMEIER, AND MOUNT

AN ACT

To amend and reenact R.S. 47:305.50(B), relative to the state sales and use tax; to exempt fabrication, modification, or repairs of rail rolling stock; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 84—

BY REPRESENTATIVE CAZAYOUX

AN ACT

To enact R.S. 46:2134(G), relative to domestic abuse assistance; to provide for the payment of costs; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 92—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:315.9 and 335(A)(2), relative to shared custodial arrangements; to clarify the definition of shared custody; to authorize a six-month trial period; to provide for the calculation of the child support obligation; to provide relative to the feasibility and presumptions of certain physical custody orders; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 101—

BY REPRESENTATIVE T. POWELL

AN ACT

To amend and reenact R.S. 14:93.13(B) and to enact R.S. 14:93.12(B)(3) and R.S. 32:414(S), relative to offenses involving unlawful purchase or possession of alcoholic beverages; to provide with respect to criminal penalties for unlawful purchase or possession of alcoholic beverages; to authorize driver's license suspensions as additional criminal penalties; to provide relative to the issuance of a restricted driver's license; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 141—

BY REPRESENTATIVE WALKER

AN ACT

To amend and reenact R.S. 47:462(A)(5)(a) and 477, relative to the registration and licensing of certain vehicles; to provide relative to the classification of certain trucks, tandem trucks, truck-trailers, semitrailers, and trailers; to clarify the classification of such vehicles owned by persons engaged in the business of actual farming; to provide relative to the registration of trailers; to authorize certain law enforcement agencies to assign serial

numbers and inspect certain trailers; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 212—
BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact Section 2 of Act No. 15 of the 1996 Regular Session of the Legislature, as amended by Act No. 47 of the 1998 Regular Session of the Legislature, Act No. 33 of the 2000 Regular Session of the Legislature, and Act No. 141 of the 2003 Regular Session of the Legislature; to extend the termination date regarding certain transactions involving certain private and parochial elementary and secondary schools; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 226—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact Code of Civil Procedure Articles 592(A)(3)(b), 1917, 2031(A), and 2083, relative to civil procedure; to provide for the continuous revision of the Code of Civil Procedure as required by R.S. 24:251; to provide for written reasons for judgment and findings of fact in class action certifications and for appeal therefrom; to provide for the commencement of the time period in which to request the court to give findings of fact and written reasons for judgment in a nonjury trial; to provide for the interruption of prescription with the filing of a motion to revive a judgment; to provide for appeal of interlocutory judgments; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 238—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 56:650(A)(2) and to enact R.S. 56:650(C), relative to the Lifetime License Endowment Fund; to provide for deposit of revenues to the fund; to provide relative to investment of the monies in the fund; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 239—
BY REPRESENTATIVE HILL
AN ACT

To amend and reenact R.S. 47:2181.1, relative to sales of immovable property for delinquent taxes; to specify the location of the sale; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 245—
BY REPRESENTATIVE T. POWELL
AN ACT

To amend and reenact R.S. 56:302.3(B)(1) and (C) and 305(B)(2) and (C)(1) and to enact R.S. 56:10(B)(1)(e) and (13), relative to providing additional funds for the enhancement of the crab fishery in Louisiana; to increase the fee for the purchase of crab gear licenses; to dedicate the revenues from such fee increase; to create the Crab Promotion and Marketing Account in the Seafood Promotion and Marketing Fund; to create the Derelict Crab Trap Removal Program Account in the Conservation Fund; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

HOUSE BILL NO. 260—
BY REPRESENTATIVE HUNTER
AN ACT

To enact Code of Civil Procedure Article 2904, relative to testaments; to provide for the videotaping of the execution and reading of testaments; to provide for the admissibility of a videotape; to provide for the definition of "videotape"; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 261—
BY REPRESENTATIVE HUNTER
AN ACT

To enact Children's Code Article 1004(H), relative to termination of parental rights; to authorize termination by any interested person under certain circumstances; to provide for procedures; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 268—
BY REPRESENTATIVE BURRELL
AN ACT

To amend and reenact R.S. 27:392(B)(2)(a), relative to the Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to provide for a portion of the monies in the Pari-mutuel Live Racing Facility Gaming Control Fund to be deposited into the Compulsive and Problem Gaming Fund; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 302—
BY REPRESENTATIVE WOOTON
AN ACT

To authorize and provide for the transfer of certain state property in Plaquemines Parish to the Plaquemines Parish governing authority; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

HOUSE BILL NO. 303—
BY REPRESENTATIVE HAMMETT
AN ACT

To amend and reenact R.S. 47:6006(A), relative to authorizing a credit against income and corporation franchise taxes for ad valorem taxes paid to political subdivisions on natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities; to delete an obsolete reference; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 318—
BY REPRESENTATIVE BADON
AN ACT

To amend and reenact Code of Civil Procedure Article 2293(B), relative to notice of seizure of property; to provide for giving additional notice of seizure to occupants and tenants; to provide relative to the validity of the sheriff's sale for failure to serve additional notices; to provide for an optional method of giving notice when the property consists of more than ten units; to provide for filing of an affidavit in the foreclosure proceeding records and the effect thereof; to provide for the inapplicability of additional notice provisions to certain property; to provide for the validity of foreclosure proceedings deemed not in

compliance with Act No. 877 of the 2004 Regular Session; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 356—

BY REPRESENTATIVE RICHMOND
AN ACT

To amend and reenact Section 2 of Act 66 of the 2002 Regular Session of the Legislature and R.S. 47:6016(B)(4), relative to new market tax credits; to define certain terms; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 363—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 35:191(N), relative to notaries public; to provide for reciprocal notarial authority in the parishes of Iberville, Ascension, East Baton Rouge, East Feliciana, Livingston, Point Coupee, West Baton Rouge, and West Feliciana; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 372—

BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 32:388(B)(1)(b) and (c) and (C) through (F) and to enact R.S. 32:388(G), relative to penalties for overweight and oversized vehicles; to prohibit certain exceptions for overweight and over-axle penalties from being applied to violations which occur on the interstate system; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 387—

BY REPRESENTATIVE SALTER
AN ACT

To enact R.S. 38:2325(A)(16), 2327.2, and 2327.3, relative to establishing a law enforcement division for the Sabine River Authority; to authorize the board of commissioners of the Sabine River Authority to employ law enforcement officers; to provide for the qualification, responsibilities, and duties of such law enforcement officers; to require law enforcement officers to execute a bond; to require the purchase of certain equipment and supplies; to provide relative to violation of certain rules and regulations; to provide relative to penalties for violations; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 464—

BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 32:361.2(A)(2)(d) and to enact R.S. 15:587(A)(1)(d), relative to motor vehicle safety equipment; to provide relative to medical exemptions to window tinting regulations; to require applicants for such exemptions to consent to the release of criminal history records and identification files under certain circumstances; to require the release of such information to law enforcement agents under certain circumstances; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 473—

BY REPRESENTATIVE MCDONALD
AN ACT

To amend and reenact R.S. 30:2418(H)(introductory paragraph) and to enact R.S. 30:2418(H)(10), relative to fees collected on the sale of tires; to provide for exceptions from the fee on certain tire sales; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Environmental Quality.

HOUSE BILL NO. 565—

BY REPRESENTATIVES DURAND, DORSEY, ALARIO, HAMMETT, AND SALTER AND SENATORS MOUNT, HEITMEIER, AND BAJOIE
AN ACT

To amend and reenact R.S. 46:978 and 979(A), relative to health care coverage for the uninsured; to provide the authority for expanding coverage to certain low-income uninsured through Medicaid waivers; to provide with respect to certain elements of the waiver; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

HOUSE BILL NO. 569—

BY REPRESENTATIVE BAUDOIN
AN ACT

To enact R.S. 47:463.129, relative to motor vehicle prestige license plates; to provide for the creation of a Ladies Auxiliary, V. F. W. prestige license plate; to provide for the issuance of such plate; to provide relative to the fees for such plate; to provide for use of such fees; to authorize the promulgation of rules and regulations; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 595—

BY REPRESENTATIVE SALTER
AN ACT

To enact R.S. 38:2325(A)(16), relative to the Sabine River Authority; to clarify the powers of the Sabine River Authority to enter into certain contracts and agreements; to provide for an effective date; to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE BILL NO. 601—

BY REPRESENTATIVES SALTER, MONTGOMERY, ST. GERMAIN, ARNOLD, BALDONE, CURTIS, FAUCHEUX, HILL, HONEY, KENNEY, ODINET, JANE SMITH, AND TOWNSEND
AN ACT

To enact R.S. 47:359(K), relative to the occupational license tax; to provide by which the occupational license tax is assessed on pharmacies; to provide for the amount of the tax; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 738—

BY REPRESENTATIVES M. GUILLORY AND PINAC
AN ACT

To amend and reenact R.S. 9:3515(A)(1) and to enact R.S. 9:3516(38), relative to the Louisiana Consumer Credit Law; to provide for home protection plans; to provide for a definition; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 771—

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 40:1484.2(8) and to enact R.S. 40:1484.9(E) and 1484.14, relative to air-supported structures; to provide for the definition of operator; to provide that certain provisions of law shall apply to operators of air-supported structures; to require operators of such structures to maintain minimum liability insurance or bond; to require that operators of air-supported structures report such purchases to the assistant secretary; to provide that the assistant secretary maintain a record of reported purchases; to provide penalties for an operator's failure to report; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 805—

BY REPRESENTATIVE MONTGOMERY AND SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 47:6014(E)(1), relative to the taxation and for tax relief for certain telephone companies; to provide for the apportionment and dedication of certain taxes for deposit into the Telephone Company Property Assessment Relief Fund; to provide for certain restrictions on the fund; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 817—

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 47:1675 and to repeal R.S. 47:287.34, relative to income and corporation franchise tax credits; to provide for eligibility and application of the tax credits; to provide general administrative provisions for tax credits; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 848—

BY REPRESENTATIVE HONEY

AN ACT

To amend and reenact R.S. 40:1142(F), relative to certification fees assessed operators of water supply and sewerage systems; to provide for fees for examinations and issuance and renewals of certificates; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Environmental Quality.

House Concurrent Resolutions on Second Reading

The following House Concurrent Resolutions were read and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 84—

BY REPRESENTATIVES DOVE AND BALDONE AND SENATOR DUPRE

A CONCURRENT RESOLUTION

To memorialize the United States Congress and the Louisiana congressional delegation to approve funding for deepening the Houma Navigation Canal, including funding efforts to make beneficial use of the dredge material for embankment stabilization.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 123—

BY REPRESENTATIVES HUNTER, BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, GRAY, E. GUILLORY, HONEY, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE, RICHMOND, AND SHEPHERD AND SENATORS BAJOE, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, AND MURRAY

A CONCURRENT RESOLUTION

To urge and request African American churches, congregations, and ministers to partner with the Louisiana Municipal Black Caucus Association for the purpose of alleviating political, social, and community problems.

The resolution was read by title. Senator Jones moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jones	Schedler
Chaisson	Kostelka	Smith
Cheek	Lentini	Theunissen
Dardenne	Malone	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Cravins	Hollis
Heitmeier	Jackson
Total - 4	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 124—

BY REPRESENTATIVES HUNTER, BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, GRAY, E. GUILLORY, HONEY, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE, RICHMOND, AND SHEPHERD AND SENATORS BAJOE, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, AND MURRAY

A CONCURRENT RESOLUTION

To urge and request state and federal leaders to cooperate and collaborate with the Louisiana Municipal Black Caucus Association to promote economic development and to recognize that economic development is a key component of prosperity for African American citizens, businesses, and neighborhoods.

The resolution was read by title. Senator Jones moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith

Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Cravins	Heitmeier	Hollis
Total - 3		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 126—

BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To commend Robert L. Williams, the last working member of the original faculty of Southern University at Shreveport, for his lifetime of contributions to his community and his commitment to education in the state of Louisiana.

The resolution was read by title. Senator Jackson moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Cravins	Heitmeier	Hollis
Total - 3		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 126—

BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION

To commend Robert L. Williams, the last working member of the original faculty of Southern University at Shreveport, for his lifetime of contributions to his community and his commitment to education in the state of Louisiana.

The resolution was read by title. Senator Chaisson moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Cravins	Heitmeier	Hollis
Total - 3		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON**AGRICULTURE, FORESTRY, AQUACULTURE AND RURAL DEVELOPMENT**

Senator Smith, Chairman on behalf of the Committee on Agriculture, Forestry, Aquaculture, and Rural Development, submitted the following report:

May 24, 2005

To the President and Members of the Senate:

I am directed by your Committee on Agriculture, Forestry, Aquaculture, and Rural Development to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 70—

BY SENATOR BARHAM

A CONCURRENT RESOLUTION

To direct the Senate and House agriculture, forestry, aquaculture, and rural development committees to meet and function as a joint committee to study and review the operational structure and procedures, including expenditures for management and operation, of the soil and water conservation districts in Louisiana; and to direct the office of soil and water conservation to assist the committee in its study.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 71—

BY SENATOR SMITH

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to direct the United States Army Corps of Engineers, New Orleans District, to cease using Section 10 of the Rivers and Harbors Act to stop sustainable forestry practices in areas that have no impact on actual navigation.

Reported favorably.

HOUSE BILL NO. 572—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 3:2364(B)(1) and (E), relative to the Louisiana Animal Welfare Fund; to provide relative to state funding; to provide relative to transfer and distribution of funds;

to provide for maintenance of financial records; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
MIKE SMITH
Chairman

REPORT OF COMMITTEE ON

JUDICIARY A

Senator Lentini, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 24, 2005

To the President and Members of the Senate:

I am directed by your Committee on Judiciary A to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 7—
BY REPRESENTATIVE BRUCE

A CONCURRENT RESOLUTION

To urge and request the Judicial Council of the Supreme Court of Louisiana to study the feasibility of dividing the Eleventh Judicial District Court into two separate districts to be comprised of DeSoto Parish and Sabine Parish and to submit to the appropriate standing committee of the House of Representatives and the Senate its recommendations on or before October 1, 2006.

Reported favorably.

HOUSE BILL NO. 8—
BY REPRESENTATIVE RITCHIE

AN ACT

To amend and reenact Code of Civil Procedure Article 4843(H), relative to the civil jurisdiction of the City Court of Bogalusa; to increase the jurisdictional amount in dispute in the City Court of Bogalusa; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 32—
BY REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact Children's Code Article 423(A)(2), relative to hearing officers; to provide for the acceptance of agreements reached in court-ordered mediation; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 81—
BY REPRESENTATIVE TUCKER

AN ACT

To enact R.S. 28:53.2(B)(5), relative to an order for custody; to provide for the contents of the order; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 172—
BY REPRESENTATIVES ROMERO AND FAUCHEUX

AN ACT

To amend and reenact Code of Civil Procedure Articles 4911(A) and 4912(A)(1) and (B), relative to jurisdiction of justice of the peace courts; to increase the jurisdictional amount in dispute in civil matters; to increase the jurisdictional amount in dispute in possession or ownership of movable property; to increase the jurisdictional amount in dispute in eviction proceedings of

occupants or tenants of leased commercial premises and leased farmlands; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 214—
BY REPRESENTATIVE GALLOT
AN ACT

To enact Title XXII-A of Book III of the Civil Code, consisting of Civil Code Articles 3338 through 3368; and R.S. 44:77 through 80, 111 through 119, and 171; to amend and reenact Civil Code Articles 517, 1554, 2021, 2035, 2442, and 3337; Code of Civil Procedure Articles 3752 and 4362; R.S. 9:4833 and 4834; R.S. 13:901; and R.S. 44:71, 72, 73, 75, and 131; to repeal Civil Code Articles 3308, 3309, 3310, 3314, 3320(A) and (B), 3321 through 3324, and 3327 through 3336; R.S. 9:2371(A) and (B), 2721(A), 2721.1, 2722, 2728, 2733, 2741 through 2757, 5141, 5161, 5162, 5165, 5166, 5167(A) through (D), 5168 through 5207, 5214 through 5216, 5502, and 5556; R.S. 13:752 through 755, 913, and 3727; R.S. 35:17; and R.S. 44:76, 102 and 103, 132 through 136, 138, 162, 163, 202, 203, 232, 232.1, 233, and 268; and to redesignate R.S. 9:2731 as R.S. 31:216 and R.S. 9:2732 as R.S. 31:217, all relative to the recordation of documents in the mortgage and conveyance records and the consolidation of the laws affecting the recordation of documents; to provide for the rules relative to the recordation of documents affecting immovable property; to provide for the duties and liability of the recorders; to provide for the effect of recordation as to third persons; to provide the limits to the effect of recordation and for matters not of record; to provide for the recordation of duplicate documents; to provide for the place of recordation; to provide for the stamping of documents by the recorder, the failure to endorse, and the presumption as to time of filing; to provide for the effect of ancient documents; to provide for information required to be in recorded acts and the effect of omissions; to provide for the cancellation of mortgages and liability for incorrect or false requests for cancellation; to provide for the recordation of transfers, amendments, and releases; to provide for the method and duration of the recordation of mortgages and the method of reinscription; to provide for the vendor's privilege and mortgage protecting the interest of a minor; to provide for the reinscription of notices of contract; to provide for the requirements for indexing names by the recorders; to provide for the office of mortgages and conveyances and for the establishment of branch offices; to provide for limitations of liability of the clerk and for insurance against liability; to provide for certified copies of records and their effect, recordation of notice of lease, certificate of encumbrances, and recordation of military discharge papers; to provide for the effect of an order of discharge in bankruptcy on recorded acts; to provide for the method of establishing the authenticity of documents; to provide for actions against the recorder; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 278—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 9:2795.4(A)(3), (4)(a), and (6), relative to the limitation of liability for motorized off-road activities; to revise the definitions of "motorized off-road vehicles", "motorized off-road vehicle activity", and "motorized off-road vehicle facility"; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 308—
BY REPRESENTATIVE BOWLER
AN ACT

To amend and reenact Civil Code Article 3549, relative to conflict of laws; to provide for the applicability of law governing prescription and peremption; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 465—

BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact Code of Civil Procedure Article 4133, relative to the special mortgage furnished by a tutor; to provide for inclusion of the minor's date of birth; to provide for validity of mortgages filed without the minor's date of birth; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 485—

BY REPRESENTATIVES WALKER, DEWITT, DORSEY, JOHNS, AND LAFLEUR AND SENATORS HINES, CHEEK, AND KOSTELKA
AN ACT

To amend and reenact R.S. 44:4.1(B)(5) and to enact R.S. 13:3715.4 and 3715.5, relative to medical malpractice; to provide for legislative findings; to provide for the confidentiality of certain information; to provide for the admissibility of certain statements by health care providers; to provide for exceptions to the Public Records Act; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

REPORT OF COMMITTEE ON

JUDICIARY C

Senator Chaisson, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

May 24, 2005

To the President and Members of the Senate:

I am directed by your Committee on Judiciary C to submit the following report:

HOUSE BILL NO. 16—

BY REPRESENTATIVE FARRAR AND SENATOR MCPHERSON
AN ACT

To amend and reenact R.S. 14:32.1(A)(4), relative to vehicular homicide; to delete the requirement that the operator of a vehicle flee the scene of the accident as an element of the crime of vehicular homicide; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 17—

BY REPRESENTATIVES T. POWELL, BRUCE, BURRELL, CRAVINS, MARTINY, JANE SMITH, TRICHE, WHITE, AND WOOTON
AN ACT

To amend and reenact Code of Criminal Procedure Article 571.1, relative to time limitations for prosecuting certain sex offenses; to amend the time limitations for instituting prosecutions for certain sex offenses involving a victim under the age of seventeen years; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 20—

BY REPRESENTATIVES STRAIN AND SCHNEIDER
AN ACT

To enact R.S. 40:989.1, relative to controlled dangerous substances; to create the crime of the unlawful production, manufacture, distribution, or possession of a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant; to provide for definitions; to provide for penalties; to provide for exceptions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 258—

BY REPRESENTATIVE BRUNEAU
AN ACT

To enact R.S. 13:1336(D) and 1338, relative to the jurisdiction of the Criminal District Court for the Parish of Orleans; to provide for commitment jurisdiction of the court when the criminal court determines a mentally defective defendant is incapable of standing trial, is a danger to himself or others, and is unlikely in the foreseeable future to be capable of standing trial; to provide for the transfer of all pending cases filed in the Civil District Court for the Parish of Orleans; to provide for an order of transfer; to provide for delivery of the records; to grant the criminal sheriff for the Criminal District Court for the Parish of Orleans the authority to make service and return of court processes; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 276—

BY REPRESENTATIVE BALDONE
AN ACT

To enact R.S. 14:72.4, relative to disposal of property with fraudulent intent; to create and define the crime of disposal of property with fraudulent intent; to provide for penalties; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 281—

BY REPRESENTATIVE ANSARDI
AN ACT

To amend and reenact R.S. 13:3714, relative to the admissibility of blood alcohol concentration (BAC) test reports; to provide for the admissibility of certified copies of BAC test reports of the state police crime laboratory in civil actions; to provide for cross-examination by the party against whom the report is sought to be used; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 282—

BY REPRESENTATIVE GEYMAN
AN ACT

To enact R.S. 44:9(A)(3)(c), relative to the expungement of juvenile records; to provide for an exemption from payment of processing fees in certain juvenile cases; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 422—

BY REPRESENTATIVE GREENE
AN ACT

To amend and reenact R.S. 14:35.1 and to enact R.S. 14:38.3, relative to crimes committed against child welfare workers; to change the crime of simple battery of a child welfare worker to battery of a child welfare worker; to provide for increased penalties for battery of a child welfare worker; to provide for definitions; to enact the crime of assault on a child welfare worker; to provide for penalties; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 511—

BY REPRESENTATIVE HUTTER
AN ACT

To amend and reenact R.S. 15:574.15(A)(1) and (2)(introductory paragraph), relative to violations of municipal ordinances in a municipality having a population of more than four hundred fifty thousand inhabitants; to provide that judges exercising criminal jurisdiction in district, municipal, or traffic court have the authority to fix bail for persons arrested for certain municipal violations; to prohibit elected officials from granting parole for certain violations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 525—

BY REPRESENTATIVES HEATON, MARTINY, AND LAFLEUR
AN ACT

To amend and reenact R.S. 15:574.22(G)(2)(d), relative to eligibility for evaluation by the Louisiana Risk Review Panel; to provide with respect to the number of years a person convicted of a Schedule I narcotic violation must serve in actual custody to be eligible for review by the Louisiana Risk Review Panel; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 547—

BY REPRESENTATIVE GREENE
AN ACT

To enact R.S. 14:81.3, relative to sexual offenses affecting minors; to create the crime of computer-aided solicitation of a minor; to define the crime of computer-aided solicitation of a minor; to provide for criminal penalties; to provide for definitions; to provide with respect to defenses; to provide for an exception; to provide for the disposition of material seized in connection to this crime; to provide with respect to sex offender registration and notification requirements; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 784—

BY REPRESENTATIVE SALTER
AN ACT

To amend and reenact Children's Code Article 811.1(G)(1) and R.S. 46:1844(W)(1)(a), relative to juvenile crime victims; to provide for an exception to the provisions requiring confidentiality of the identity of juvenile crime victims; and to provide for related matters.

Reported favorably.

Respectfully submitted,
JOEL T. CHAISSON II
Chairman

**REPORT OF COMMITTEE ON
ENVIRONMENTAL QUALITY**

Senator Fontenot, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

May 24, 2005

To the President and Members of the Senate:

I am directed by your Committee on Environmental Quality to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 64—

BY REPRESENTATIVE BADON
A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Environmental Quality to cooperate with other state and local governmental agencies in a coordinated effort to aggressively enforce laws and rules and regulations concerning the storage and proper disposal of construction, demolition, and debris waste.

Reported favorably.

HOUSE BILL NO. 388—

BY REPRESENTATIVES FANNIN, McDONALD, THOMPSON, AND
WALSWORTH AND SENATOR KOSTELKA
AN ACT

To amend and reenact R.S. 38:3097.2(1) through (4), 3097.3(C)(5), and 3097.6, relative to ground water management; to provide for definitions; to provide for powers and duties of the commissioner of conservation; to provide for determination of areas of ground water concern and critical areas of ground water concern; to provide for applications under current consideration

and declared critical ground water areas; to provide for rules and regulations; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 843(Substitute for House Bill No. 389 by
Representative Damico)—**

BY REPRESENTATIVE DAMICO
AN ACT

To enact R.S. 33:4169.3, relative to the parish of Jefferson; to provide that the governing authority of the parish may contract with private entities in a joint venture for the treatment and disposal of sewage and liquid wastes; to provide for leases of parish property; to provide with respect to the terms, conditions, and length of contracts; to provide for antitrust liability; and to provide for related matters.

Reported favorably.

Respectfully submitted,
HEULETTE "CLO" FONTENOT
Chairman

**REPORT OF COMMITTEE ON
JUDICIARY B**

Senator Marionneaux, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

May 24, 2005

To the President and Members of the Senate:

I am directed by your Committee on Judiciary B to submit the following report:

SENATE BILL NO. 273—

BY SENATOR MCPHERSON
AN ACT

To amend and reenact R.S. 27:3(14), 28(H)(1), and 29.3(B)(2), (E), and (F) and to enact R.S. 27:29.3(G), relative to the Louisiana Gaming Control Law; to provide for the definition of key gaming or managerial employee; to exempt certain persons from suitability requirements; to exempt certain persons, firms or corporations from obtaining a non-gaming suppliers permit; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 27—

BY REPRESENTATIVE GEYMAN
AN ACT

To amend and reenact R.S. 33:2201(B)(16), relative to financial security for surviving spouses and children of law enforcement officers; to include constables of justice of the peace courts and their deputies as law enforcement officers for purposes of benefit payments to survivors; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 44—

BY REPRESENTATIVE MORRELL
AN ACT

To amend and reenact R.S. 13:3886(B)(1), relative to fees charged by the sheriff for issuance of notice of seizure on specific immovable property or fixtures located thereon; to increase the fees for notice given by mail; to increase the fees for service of the notice; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 126—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 33:1448.1(A), (B)(introductory paragraph), (C)(1) and (2), (D), (E), and (G)(1) and (2), relative to the Bossier Parish Retired Employees Insurance Fund; to provide relative to eligible retired sheriffs and retired deputy sheriffs; to increase the total amount of principal and earnings in the Bossier Parish Retired Employees Insurance Fund; to provide for the limitations on withdrawal and appropriation of monies; to provide for limitations on equity and fixed income investments; to provide for the membership and election of the investment advisory board and the filling of vacancies thereon; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 185—

BY REPRESENTATIVE FRITH
AN ACT

To enact R.S. 1:55(E)(1)(e), relative to legal holidays for clerks of court in Vermilion Parish; to require the clerk of court of the Fifteenth Judicial District Court and the clerk of court for the City Court of Abbeville in Vermilion Parish to close their offices in observance of the Cattle Festival; to provide for an exception; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 298—

BY REPRESENTATIVE TRICHE
AN ACT

To enact R.S. 33:1448(P), relative to group insurance premiums; to provide for the payment of insurance premiums for certain retired sheriffs and retired deputy sheriffs in Lafourche Parish; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 453—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 27:301(B)(12), 308(B)(1) and (C), and 311(H)(1) and (3) and (K)(4) and to enact R.S. 27:3(24), 15(F) and (G), 308(B)(3), 308.1, 308.2, and 311(H)(5), relative to penalties for violations of the Video Draw Poker Devices Control Law; to provide for definitions; to provide for civil penalties; to provide for the adoption of rules; to provide for a penalty schedule; to provide for the authority of the gaming control board regarding suspension and revocation of video draw poker licenses and permits; to provide for a maximum penalty for violations of statutes and rules; to provide for a maximum period of suspension of a video draw poker license or permit; to provide for penalties for failure to submit the annual fee; to define repeated violations and violations; to provide for consent agreements or settlements between licensees or permittees and the state; to clarify which processing fees for new applications and licensing apply to certain licensed establishments; to establish a processing fee for stock or membership sales or transfers of fifty percent or more of a licensed corporation or limited liability company; to provide for legislative intent; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 625—

BY REPRESENTATIVE DEWITT
AN ACT

To amend and reenact R.S. 13:2591(A) and R.S. 15:254.1(A), 254.2, 254.3, 254.4, 254.5(D), 254.6(A), 254.7, 254.8(A), and 255(A)(1) and (4), (E)(1), (4), and (5), and (G), and to enact R.S. 15:255(K), relative to witness fees paid to off-duty law enforcement officers and relative to extra compensation for certain law enforcement officers and firemen; to require local governing authorities to transmit witness fees to the employer of certain law enforcement officers; to require the Department of

Public Safety and Corrections to remit the extra compensation paid by the state to the local governing authorities for payment to individual eligible employees; to require local governing authorities to be responsible for calculating and withholding certain deductions for taxes on behalf of the employee; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
ROBERT MARIONNEAUX, JR.,
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 11—

BY SENATOR THEUNISSEN AND REPRESENTATIVE FRITH
AN ACT

To enact R.S. 33:7574.1, relative to beachfront development districts in Cameron Parish; to provide for the membership of the board of commissioners of the Beachfront Development District No. Two of Cameron Parish; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Fields, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 33—

BY SENATOR THEUNISSEN
AN ACT

To enact R.S. 33:1236.27, relative to Cameron Parish; to provide for the zoning, land use, and siting of any public or private facility for the disposal of solid waste; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Fields, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 217—

BY SENATOR JACKSON
AN ACT

To amend and reenact R.S. 9:165 and to enact R.S. 48:79, relative to special treasury funds; to establish the Interstate 49 Completion Fund in the state treasury; to provide for certain amounts of deposits by the administrator of the Unclaimed Property Act into the fund; to provide for disposition of funds; to provide for use of such monies in the fund; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 217 by Senator Jackson

AMENDMENT NO.1

On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through 5, and insert as follows:

"R.S. 48:2072(B), 2073(7) through (19), 2077(17), (18), and (23), and 2082(B) through (O) and to enact R.S. 9:165(C) and R.S. 48:2073(20), 2077(24), and 2082(P), relative to authorizing the Louisiana Transportation Authority to issue revenue bonds secured by unclaimed property receipts; to create the Unclaimed Property Fund; to provide for the deposit of monies into the Unclaimed Property Fund and the use of those monies; to create the Unclaimed Property Leverage Fund; to provide for the deposit of monies into the

Unclaimed Property Leverage Fund and the use of those monies; to authorize the state treasurer to transfer the monies in the Unclaimed Property Leverage Fund to the Louisiana Transportation Authority; to provide relative to unclaimed property bonds;"

AMENDMENT NO. 2

On page 1, line 6, delete "fund;"

AMENDMENT NO. 3

On page 1, line 8, after "R.S. 9:165" delete the remainder of the line and insert "(C) is hereby enacted to read as follows:"

AMENDMENT NO. 4

On page 1 delete lines 10 through 17 and delete pages 2 and 3 in their entirety and insert as follows:

* * *

C. The Unclaimed Property Leverage Fund is created as a special fund in the state treasury for the deposit of a portion of the funds received by the administrator under this Chapter. The state treasurer shall deposit into the Unclaimed Property Leverage Fund for transfer to the Louisiana Transportation Authority, hereinafter, the "authority", each fiscal year an amount not to exceed fifteen million dollars in accordance with an appropriation by the legislature to pay the principal and interest of unclaimed property bonds issued by the authority as the bonds become due and payable, and to fund such reserve for contingencies, costs, and expenses as may be required by the resolution authorizing the issuance of such bonds. These proceeds shall be expended, utilizing any or all powers granted to the authority, including the funding or securitization of revenue bonds, fifty percent exclusively to match federal funds to be used for the costs for and associated with the construction of Interstate 49 North from Interstate 20 in the city of Shreveport to the Louisiana/Arkansas border and fifty percent for Interstate 49 South from Interstate 10 in the city of Lafayette to the West Bank Expressway in the city of New Orleans. All unexpended and unencumbered monies in the Unclaimed Property Leverage Fund at the end of the fiscal year shall remain in the Unclaimed Property Leverage Fund, and interest earned on the investment of these monies shall be credited to the Unclaimed Property Leverage Fund.

Section 2. R.S. 48:2072(B), 2073(7) through (19), 2077(17), (18), and (23), and 2082 (B) through (O) are hereby amended and reenacted and R.S. 48:2073(20), 2077(24), and 2082(P) are hereby enacted to read as follows:

§2072. Purpose; legislative findings

B. Public revenue, including federal funds, has not kept pace with the state's growing transportation system needs. The legislature hereby finds and declares that it is a matter of public necessity to create the Louisiana Transportation Authority, to pursue alternative and innovative funding sources, including but not limited to public/private partnerships, and tolls, and unclaimed property bonds to supplement public revenue sources and to improve Louisiana's transportation system.

§2073. Definitions

Unless the text clearly indicates otherwise, the following words or phrases shall have the following meanings:

(7) "I-49 Project" means the project for Interstate 49 North from Interstate 20 in the city of Shreveport to the Louisiana/Arkansas border and Interstate 49 South from Interstate 10 in the city of Lafayette to the West Bank Expressway in the city of New Orleans.

(7) (8) "Person" means any individual, partnership, firm, corporation, company, cooperative, association, society, trust, or any other business unit or entity, including any state or federal agency.

(8) (9) "Project" means any capital project undertaken pursuant to this Chapter including the acquisition of real property, construction, reconstruction, improvement, extension, installation, development, or operation of a tollway and the I-49 Project. "Project" shall not include the roadway known as the West Bank Expressway in Jefferson Parish.

(9) (10) "Project costs" means all costs associated with and necessary to plan, design, acquire property rights, and to construct a project, construction costs, and such other expenses as may be

necessary or incidental to the construction, financing, and operation of the project.

(10) (11) "Public utility facilities" means tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances which are either publicly or privately owned.

(11) (12) "Real property" means lands, waters, rights in lands or waters, structures, franchises, and interests in land, including lands under water, riparian rights, property rights in air space or subsurface, and any and all other things and rights usually included within said term, including any and all interests in such property less than full title.

(12) (13) "Revenue" means:

(a) Any income, revenue, toll, and receipt derived or to be derived from the construction and operation of projects by the authority or received by the authority from any other sources whatsoever.

(b) Monies generated by way of contract, pledge, donation, or bequest.

(c) Monies of the authority generated by taxes which are authorized to be assessed and levied by the legislature or any electorate.

(d) Monies transferred to the authority by the state treasurer from the Unclaimed Property Leverage Fund created pursuant to R.S. 9:165.

(13) (14) "Secretary" means the secretary of the Department of Transportation and Development.

(14) (15) "State" means the state of Louisiana or any agency or instrumentality thereof.

(15) (16) "State-designated project" means any proposed capital project involving the acquisition of land for, or the acquisition, construction, reconstruction, improvement, installation, extension, development, or equipping of real property as part of the state highway system or related facilities, and shall include the I-49 Project.

(16) (17) "State highway system" means all roadways, highways, bridges, or tunnels which constitute the state highway system.

(17) (18) "Toll" means any fee or charge for the use of a tollway.

(18) (19) "Tollway" means any highway, bridge, tunnel, or other transportation facility constructed or operated by the authority.

(19) (20) "Transitway" means any fixed guideway facility involving the use of rail.

§2077. Jurisdiction; powers of authority

The authority may exercise powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including but not limited to the following rights and powers:

(17) To borrow money and issue bonds for any authority purpose. The bonds shall be authorized and issued by one or more resolutions adopted by a majority vote of the members of the authority and shall be payable solely from the income and revenues as set forth in the resolution authorizing the issuance of the bonds.

(18) To enter contracts and agreements and execute all instruments necessary or convenient thereto with any federal or state governmental agency, public or private corporation, lending institution, or other entity or person for accomplishing the purposes of the authority.

(23) To receive, administer, and expend appropriations from the legislature and financial assistance, guarantees, insurance, or subsidies from the federal or state government.

(23) (24) To do all acts and perform things necessary or convenient to execute the powers granted to the authority by law.

§2082. Bonds

B. (1) Without reference to any provision of the Constitution of Louisiana and the laws of Louisiana, and as a grant of power in addition to any other general or special law and in addition to the grant of power set forth in Subsection A, the authority created pursuant to this Chapter may issue bonds for the I-49 Project and pledge unclaimed property revenues for the payment of the principal and interest of such bonds and may further pledge monies deposited or to be deposited into the Unclaimed Property Leverage Fund, which

pledge shall be subject to appropriation by the legislature. The authority is further authorized, in its discretion, to pledge all or any part of any gift, grant, donation, or other sum of money, aid, or assistance from the United States, the state, or any political subdivision thereof, unless otherwise restricted by the terms thereof, all or any part of the proceeds of bonds, credit agreements, instruments, or other money of the authority, from whatever source derived, for the further securing of the payment of the principal and interest of the bonds. Any such bonds shall be payable solely from revenues and bond proceeds, pending their disbursement, and investment income thereon.

(2) The unclaimed property receipts received from the state treasurer each fiscal year shall be applied to pay or provide for the payment of debt service on unclaimed property bonds issued by the authority.

(3) The resolution or resolutions under which unclaimed property fund bonds are authorized to be issued may contain any or all of the following: (a) provisions respecting custody of the proceeds from the sale of the unclaimed property fund bonds, including any requirements that such proceeds be held separate from or not be commingled with other funds of the state; (b) provisions for the investment and reinvestment of unclaimed property fund bond proceeds until used to pay the costs of financing such unclaimed property bonds and for the disposition of any excess bond proceeds or investment earnings thereon; (c) provisions for the execution of reimbursement agreements or similar agreements in connection with credit facilities, including but not limited to letters of credit or policies of bond insurance, remarketing agreements and agreements, for the purpose of moderating interest rate fluctuations; (d) provisions for the collection, custody, investment, reinvestment, and use of the pledged revenues or other receipts, funds, or monies pledged therefor and deposited in the Unclaimed Property Leverage Fund; (e) provisions regarding the establishment and maintenance of reserves, sinking funds, and any other funds, and accounts as shall be approved by the authority in such amounts as may be established by the authority, and the regulation and disposition thereof, including requirements that any such funds and accounts be held separate from or not be commingled with other funds; (f) covenants for the establishment of pledged revenue coverage requirements for the unclaimed property fund bonds; (g) provisions for the issuance of additional unclaimed property fund bonds on a parity with unclaimed property fund bonds theretofore issued, including establishment of coverage requirements with respect thereto; and (h) provisions or covenants of like or different character from the foregoing which are determined in such proceedings are necessary, convenient, or desirable in order to better secure the unclaimed property fund bonds, or will tend to make the unclaimed property fund bonds more marketable, and which are in the best interests of the authority.

B- C. Bonds issued under the provisions of this Chapter shall not be deemed to constitute a pledge of the full faith and credit of the state or of any governmental unit thereof. All such bonds shall contain a statement on their face substantially to the effect that neither the full faith and credit of the state nor the full faith and credit of any public entity of the state are pledged to the payment of the principal of or the interest on such bonds. The issuance of bonds under the provisions of this Chapter shall not directly, indirectly, or contingently obligate the state or any governmental unit of the state to levy any taxes whatever therefor or to make any appropriation for their payment, other than obligations to make payments by the state or any public entity to the authority arising out of contracts authorized under this Chapter.

E- D. Bonds shall be authorized by a resolution of the authority and shall be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, including but not limited to fixed, variable, or zero rates, be payable at such time or times, be in such denominations, be in such form, carry such registration and exchangeability privilege, be payable in such medium of payment and at such place or places, be subject to such terms of redemption prior to maturity at such price or prices as determined by the authority, and be entitled to such priority on the revenues as such resolution or resolutions may provide.

D- E. Bonds shall be sold by the authority at public sale by competitive bid or negotiated private sale and at such price as the authority may determine to be in the best interest of the authority.

E- F. The issuance of bonds shall not be subject to any limitations, requirements, or conditions contained in any other law, and bonds may be issued without obtaining the consent of the state or any political subdivision, or of any agency, commission, or instrumentality thereof, except that the issuance of such bonds shall be subject to the approval of the State Bond Commission. The bonds shall be issued in compliance with the provisions of this Chapter.

F- G. For a period of thirty days after the date of publication of a notice of intent to issue bonds in the official journal of the authority authorizing the issuance of bonds hereunder, any person in interest shall have the right to contest the legality of the resolution and the legality of the bond issue for any cause, but after that time no one shall have any cause or right of action to contest the legality of the resolution or of the bonds or the security therefor for any cause whatsoever. If no suit, action, or proceeding is begun contesting the validity of the resolution, the bonds or the security therefor within the thirty days herein prescribed, the authority to issue the bonds and to provide for the payment thereof, the legality thereof, and of all of the provisions of the resolution authorizing the issuance of the bonds shall be conclusively presumed to be legal and shall be incontestable. Any notice of intent so published shall set forth in reasonable detail the purpose of the bonds, the security therefor, and the parameters of amount, duration, and interest rates. The authority may designate any paper of general circulation in its geographical jurisdiction to publish the notice of intent or may utilize electronic media available to the general public. Any suit to determine the validity of bonds issued by the authority shall be brought only in accordance with the provisions of R.S. 13:5121 et seq.

G- H. All bonds issued pursuant to this Chapter shall have all the qualities of negotiable instruments under the commercial laws of the state.

H- I. Any pledge of revenues or other monies made by the authority shall be valid and binding from the time when the pledge is made. The revenues or monies so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority irrespective of whether such parties have notice thereof.

I- J. Neither the members of the authority nor any person executing the bonds shall be liable personally for the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

J- K. Bonds of the authority, their transfer, and the income therefrom shall at all times be exempt from all taxation by the state or any political subdivision thereof, and may or may not be exempt for federal income tax purposes. The bonds issued pursuant to this Chapter shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, and guardians. Such bonds shall be eligible to secure the deposit of any and all public funds of the state and any and all public funds of municipalities, parishes, school districts, or other political corporations or subdivisions of the state. Such bonds shall be lawful and sufficient security for said deposits to the extent of their value. When any bonds shall have been issued pursuant to Subsection A of this Section, neither the legislature, the authority nor any other authority may discontinue or decrease the revenues pledged to the payment of the bonds authorized hereunder or permit to be discontinued or decreased said revenues in anticipation of the collection of which such bonds have been issued, or in any way make any change in the allocation and dedication of the revenues which would diminish the amount of the revenues to be received by the authority, until all of such bonds shall have been retired as to principal and interest, and there is hereby vested in the holders from time to time of such bonds a contract right in the provisions of this Section.

K- L. The authority may provide by resolution for the issuance of refunding bonds pursuant to R.S. 39:1444 et seq.

L- M. The holders of any bonds issued hereunder shall have such rights and remedies as may be provided in the resolution or trust agreement authorizing the issuance of the bonds, including but not by way of limitation, appointment of a trustee for the bondholders and

any other available civil action to compel compliance with the terms and provisions of the bonds and the resolution or trust agreement.

~~M. N.~~ Subject to the agreements with the holders of bonds, all proceeds of bonds and all revenues pledged under a resolution or trust agreement authorizing or securing such bonds shall be deposited and held in trust in a fund or funds separate and apart from all other funds of the state. Subject to the resolution or trust agreement, the trustee shall hold the same for the benefit of the holders of the bonds for the application and disposition thereof solely to the respective uses and purposes provided in such resolution or trust agreement.

~~N. O.~~ The authority created hereunder is authorized to employ all professionals it deems necessary in the issuance of its bonds.

~~O. P.~~ The authority created hereunder shall be deemed to be a public entity for purposes of Chapters 13, 13-A, 14, 14-A, 14-B, and 15-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, which statutes shall apply to bonds of the authority, provided that in the event of a conflict with the provisions of this Chapter, the provisions of this Chapter shall control.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 220— BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 23:992, relative to employment of certain aliens; to prohibit the hiring of an alien who is not entitled to lawfully reside or work in the United States; to provide for penalties; to provide for exceptions; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 220 by Senator Fontenot

AMENDMENT NO. 1

On page 2, delete lines 8 through 19 in their entirety and in lieu thereof, insert the following:

"Upon the contractor's annual license renewal with the Contractors' Licensing Board, the contractor must file an affidavit affirming under the penalties of perjury that the contractor has in its files an employment eligibility verification form required by the Immigration Reform and Control Act of 1986 (8 U.S.C. 1324a) for each individual that will be employed in the performance of the contract.

Section 2. R.S. 23:992.1 is hereby repealed."

AMENDMENT NO. 2

On page 2, at the beginning of line 20, change "Section 2." to "Section 3."

On motion of Senator Nevers, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 228—

BY SENATOR HINES AND REPRESENTATIVE SALTER

AN ACT

To enact R.S. 39:94(C)(4), relative to the Budget Stabilization Fund; to provide for the balance in the Budget Stabilization Fund; to define total state revenue receipts for purposes of determining the balance in the fund; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Finance. On motion of Senator Heitmeier, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 291—

BY SENATORS DARDENNE, HOLLIS AND SCHEDLER
AN ACT

To To enact Chapter 27-C of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9039.50 through 9039.61, relative to local and regional economic development; to provide for the creation of local and regional economic development districts that may operate on a local, municipality, and multiparish basis to promote an economic development fund statewide; to provide for definitions; to provide for the appointment of members to the board of the local and regional economic development districts; to provide for the board's functions, powers, and duties; to authorize the board to exercise the power of taxation, levy assessments on property, and collect certain fees; to authorize the districts to undertake certain projects for the promotion of local and regional economic development activities; to provide procedures for the issuance of bonds, notes, certificates, or other evidences of indebtedness; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 291 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 3, after "through" change "9039.61" to "9039.66"

AMENDMENT NO. 2

On page 1, line 15, change "Chapter 27-A" to "Chapter 27-C" and on line 16, after "through" change "9039.61 are" to "9039.66, is"

AMENDMENT NO. 3

On page 3, line 23, between "**parish**" and "**municipality**" change the comma "," to "**or**" and at the end of line 23 delete "**or**"

AMENDMENT NO. 4

On page 3, line 24, delete "**public entity, with taxing authority**" and on line 25, between "**parishes**" and "**separate**" change the comma to "**or**" and delete "**or public entities with taxing**" and on line 26, delete "**authority**"

AMENDMENT NO. 5

On page 3, line 29, between "**Louisiana,**" and "**Pursuant**" insert the following:

"The parish, municipality, or public entity or combination thereof, shall have the authority to dissolve the district by ordinance which shall set forth the manner of disposition of all assets and liabilities of the district"

AMENDMENT NO. 6

On page 4, line 7, after "**provided,**" insert "**Should a municipality form a district, the parish in which it is located may only include such municipal territory in a district if forms with the permission of the municipality. A multiparish district may include participation by any municipality within any parish of such multiparish district.**"

AMENDMENT NO. 7

On page 4, line 16, after "less than" delete the remainder of the line and line 17, and insert the following:

"five persons appointed by the governing authority of such participating parish or municipality, provided that at least one member is selected from each parish or municipality within the district. The qualifications of each member shall be determined by the governing authority of each parish or municipality."

AMENDMENT NO. 8

On page 4, at the end of line 19, insert the following:

"However, a member of the board may be removed at will by the respective appointing authority prior to the expiration of his term."

AMENDMENT NO. 9

On page 6, line 24, after "projects" insert **"involving a capital expenditure equal to or in excess of twenty percent of the annual operating budget of the district"**

AMENDMENT NO. 10

On page 7, line 22 delete **"expropriation"**

AMENDMENT NO. 11

On page 9, at the end of line 24, insert the following:

"Any such tax levied by the district shall not be considered in determining the aggregate tax when applying the limitation imposed under Article VI, Section 29(A)."

AMENDMENT NO. 12

On page 10 delete lines 15 through 29 in their entirety

AMENDMENT NO. 13

On page 11 delete lines 1 through 18 in their entirety

AMENDMENT NO. 14

On page 11, line 19 change "(14)" to "(12)" and on line 22, change "(15)" to "(13)" and on line 24, change "(16)" to "(14)"

AMENDMENT NO. 15

On page 12 delete lines 19 through 21 and on line 22 change "(4)" to "(3)" and on line 24 change "(5)" to "(4)" and on line 28 change "(6)" to "(5)"

AMENDMENT NO. 16

On page 13, at the end of line 4, add the following:

"However, the authority of such economic development corporation shall not exceed the authority of the district, and such economic development corporation shall comply with all obligations and be subject to all restrictions imposed on the district. Any corporation created pursuant to this Paragraph shall be subject to the Public Records Law and the Open Meetings Law."

AMENDMENT NO. 17

On page 13, line 5, change "(7)" to "(6)" and delete lines 9 through 16 in their entirety

AMENDMENT NO. 18

On page 13, line 17, change "(9)" to "(7)" and on line 24 change "(10)" to "(8)" and on line 26 change "(11)" to "(9)" and on line 28 change "(12)" to "(10)"

AMENDMENT NO. 19

On page 14, line 3, change "(13)" to "(11)" and on line 14 change "(14)" to "(12)" and on line 23, change "(15)" to "(13)" and on line 29 change "(16)" to "(14)"

AMENDMENT NO. 20

On page 15, line 2, change "(17)" to "(15)" and on line 4 change "(18)" to "(16)" and on line 7, after "more than" delete "twenty-five" and insert "twenty" and on line 8 after "and" delete "marketing" and insert "administrative"

AMENDMENT NO. 21

On page 15 between lines 24 and 25 insert the following:

"(3) No such call for a tax election shall be authorized until a public hearing shall be held after publication of a notice thereof in the official journal of the district at least ten days and no more than thirty days prior to the hearing."

AMENDMENT NO. 22

On page 16, between lines 10 and 11 insert the following:

"§9039.59. Short term motor vehicle rental tax"

A. As used in this Section, the following terms shall have the following meaning, unless the context requires otherwise:

(1) "Motor vehicle" means a self-propelled vehicle designed principally to transport persons or property on a public roadway and includes a passenger car, van, station wagon, sports utility vehicle, and truck. The term does not include:

(a) A trailer, semitrailer, house trailer, truck having a manufacturer's rating of more than one-half ton, or road-building machine.

(b) A device moved only by human power.

(c) A device used exclusively on stationary rails or tracks.

(d) A farm machine.

(e) A mobile office.

(2) "Place of business of the owner" means an established outlet, office, or location operated by the owner of a motor vehicle of the owner's agent or employee for the purpose of renting motor vehicles and includes any location at which three or more rentals are made during a year.

(3) "Rental" means an agreement by the owner of a motor vehicle to authorize for not longer than thirty days the exclusive use of that vehicle to another for consideration.

B. A district by ordinance may impose a tax on the gross receipts of a rental of a motor vehicle within the district only if both:

(a) A project venue is or is planned to be located in the district.

(b) The tax is approved at an election held pursuant to the Louisiana Election Code.

C. The ballot proposition at the election held to adopt the tax must specify the rate of the tax to be levied.

D. The owner of a motor vehicle subject to the tax imposed under this Section shall collect the tax for the benefit of the district. The owner shall add the short-term motor vehicle rental tax imposed by the district under this Section, if applicable, and any other sales and use tax imposed by law to the rental charge, and the sum of the taxes is a part of the rental charge, is a debt owed to the motor vehicle owner by the person renting the vehicle, and is recoverable at law in the same manner as the rental charge.

E.(1) The owner of a motor vehicle used for rental purposes shall keep for four years records and supporting documents containing the following information:

(a) The amount of gross rental receipts from the rental of the motor vehicle.

(b) The amount of tax imposed under this Section and paid to the district on each motor vehicle used for rental purposes by the owner.

(2) Mileage records shall not be required.

F. A tax imposed under this Section takes effect on the date prescribed by the ordinance imposing the tax. A district may continue to impose a tax under this Section only if the district issues bonds or other obligations under R.S. 33:9039.65 before the first anniversary of the date the tax is imposed and pledges the proceeds of the tax as security therefor. The district may not impose the tax after all of its bonds or other obligations are paid in full.

G.(1) The owner of a motor vehicle required to collect the tax imposed under this Section shall report and send the taxes collected to the district as provided by the ordinance imposing the tax.

(2) A district by ordinance prescribe penalties, including interest charges, for failure to keep records required by the district, to report when required, or to pay the tax when due.

(3) The district may bring suit against a person who fails to collect a tax under this Section and to pay it over to the district as required.

H. A district shall provide for the payment of a fee to collect and remit the tax imposed under this Section as a percent of the amount collected and required to be remitted as reimbursement to the collector for the costs of collecting the tax all as shall be set forth in the ordinance levying the tax and in a collection agreement between the district and the collector.

I. Revenue from the tax imposed under this Section shall be deposited as provided in the collection agreement.

§9039.60. Admissions tax

A. A district by ordinance may impose a tax on each ticket sold as admission to an event held at a project venue in the district for which the district plans to issue bonds to plan, acquire, establish, develop, construct, or renovate the projects. A district may impose a tax under this Section only upon all of the following:

- (1) The project venue is or will be located in the district.
- (2) The governing body of the underlying municipality or parish approves holding the election for the tax.
- (3) The tax is approved at an election held pursuant to the Louisiana Election Code.
- (4) The tax proceeds are pledged as security for bonds.

B. The tax authorized by this Section is imposed at the tax rate on each ticket sold as admission to an event held at a project venue. The amount of the tax may be imposed at a uniform percentage of the price of the ticket. The ballot proposition at the election held to adopt the tax must specify the rate of the tax to be adopted. The district may repeal or decrease the rate of the tax imposed under this Section.

C. The district ordinance may require the owner or lessee of a project venue in the district to collect the tax for the benefit of the district. An owner or lessee required to collect the tax under this Section shall add the tax to the admissions price, and the tax is a part of the admission price, a debt owed to the owner or lessee of the project venue by the person admitted, and recoverable at law in the same manner as the admissions charge. The tax imposed by this Section is not an occupational license tax imposed on the owner or lessee of the project venue.

D. A tax imposed under this Section takes effect on the date prescribed by the ordinance imposing the tax. A district may continue to impose a tax under this Section only if the district issues bonds or other obligations under R.S. 33:9039.65 before the first anniversary of the date the tax is imposed. The district may not impose the tax after all of its bonds or other obligations are paid in full.

E.(1) The owner or lessee of the project venue required to collect the tax imposed under this Section shall report and send the taxes collected to the district as provided by the ordinance imposing the tax.

(2) A district by ordinance may prescribe penalties, including interest charges, for failure to keep records required by the district, to report when required, or to pay the tax when due.

(3) The district may bring suit against a person who fails to collect a tax under this Section and to pay it over to the district as required.

F. Revenue from the tax imposed under this section Shall be deposited as provided in the collection agreement.

§9039.61. Parking tax

A. A district by ordinance may impose a tax on each motor vehicle parking in a parking facility of a project venue. The district may impose the tax during a period beginning not more than three hours before and ending not more than three hours after the time an event in a project venue is scheduled to begin. The district may not impose the tax under this Section during any other time. A district may impose a tax under this Section only if the tax is approved at an election held pursuant to the Louisiana Election Code.

B. (1) The district by ordinance may provide that the tax is imposed at a flat amount on each parked motor vehicle or is imposed as a percentage of the amount charged for event parking by the owner or lessee of the parking facility.

(2) The ballot proposition at the election held to adopt the tax must specify the rate of the tax to be adopted.

(4) The district by ordinance may repeal or decrease the rate of the tax imposed under this Section.

C. (1) The district by ordinance may require the owner or lessee of a parking facility to collect the tax for the benefit of the district.

(2) An owner or lessee required to collect the tax under this Section shall add the tax to the parking charge, and the tax is a part of the parking charge, a debt owed to the parking facility owner or lessee by the person parking, and recoverable at law in the same manner as the parking charge.

(3) The tax imposed by this Section is not an occupational license tax imposed on the owner or lessee of the parking facility.

D. (1) A tax imposed under this Section takes effect on the date prescribed by the ordinance imposing the tax.

(2) A district may continue to impose a tax under this Section only if the district issues bonds or other obligations under R.S. 33:9039.65 before the first anniversary of the date the tax is imposed. The district may not impose the tax after all of its bonds or other obligations are paid in full.

E. (1) The owner or lessee of a motor vehicle required to collect the tax imposed under this Section shall report and send the taxes collected to the district as provided by the ordinance imposing the tax.

(2) A district by ordinance may prescribe penalties, including interest charges, for failure to keep records required by the district, to report when required, or to pay the tax when due.

(3) The district may bring suit against a person who fails to collect a tax under this Section and to pay it over to the district as required.

F. Revenue from the tax imposed under this Section shall be deposited as provided in the collection agreement.

§9039.62. Hotel occupancy taxes

A. In this Section, "hotel" has the meaning provided by R.S. 33:45874.1.

B. A district may use tax revenue received under this Section to acquire, construct, improve, and equip a project venue. The district may pledge the revenue to the payment of bonds or other obligations the district issues to finance the project or economic development facility infrastructure.

C. A district may impose a tax under this Section only if both:

(1) An approved project is or is planned to be located in the district.

(2) The tax is approved at an election held pursuant to the Louisiana Election Code.

D. The district shall provide in the ordinance for the imposition, collection, and enforcement of the tax authorized hereby.

E. The ballot proposition at the election held to adopt the tax must specify the rate of the tax to be adopted.

F. (1) A tax imposed under this Section takes effect on the date prescribed by the ordinance imposing the tax.

(2) A district may continue to impose a tax under this Section only if the district issues bonds or other obligations under R.S. 33:9039.65 before the first anniversary of the date the tax is imposed. The district may not impose the tax after all of its bonds or other obligations are paid in full.

G. Revenue from the tax imposed under this Section shall be deposited as provided in the collection agreement.

§9039.63. Facility use tax

A. A district, by ordinance, may impose a facility use tax on use of a project venue in the district for which the district has issued bonds to plan, acquire, establish, develop, construct, or renovate the project venue.

B. A district may impose a tax under this section only if both:

(1) An approved project is or is planned to be located in the district.

(2) The tax is approved at an election held pursuant to the Louisiana Election Code.

C. (1) The tax authorized by this Section may be imposed on any person using any of the following facilities:

(a) Facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project.

(b) Airports, airfields and air terminals.

(c) Rail lines.

(d) Port facilities.

(e) Highways, streets and other roadways.

(f) Public school buildings, classrooms and instructional facilities, training facilities and equipment, including any functionally related facilities.

(g) Parks, outdoor recreation facilities and athletic facilities.

(h) Auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers and other public facilities.

(i) Health care facilities, public or private.

(j) Fire protection facilities, equipment and elevated water tanks.

(2) The ballot proposition at the election held to adopt the tax must specify the rate of the tax to be adopted.

(3) The district by ordinance or order may repeal or decrease the rate of the tax imposed under this Section.

D. The district ordinance may require the owner or lessee of a project venue in the district to collect the tax for the benefit of the district. An owner or lessee required to collect the tax under this section shall add the tax to the admissions price, and the tax is a part of the admission price, a debt owed to the owner or lessee of the project venue by the person admitted, and recoverable at law in the same manner as the admissions charge. The tax imposed by this Section is not an occupational license tax imposed on the owner or lessee of the project venue.

E. A tax imposed under this Section takes effect on the date prescribed by the ordinance imposing the tax. A district may impose a tax under this Section only if the district issues bonds or other obligations under R.S. 33:9039.65 before the first anniversary of the date the tax is imposed. The district may not impose the tax after all of its bonds or other obligations are paid in full.

F.(1) The owner or lessee of a project venue required to collect the tax imposed under this Section shall report and send the taxes collected to the district as provided by the ordinance imposing the tax.

(2) A district by ordinance prescribe penalties, including interest charges, for failure to keep records required by the district, to report when required, or to pay the tax when due.

(3) The district may bring suit against a person who fails to collect a tax under this Section and to pay it over to the district as required.

G. Revenue from the tax imposed under this Section shall be deposited as provided in the collection agreement."

AMENDMENT NO. 23

On page 16 at the beginning of line 11 change "\$9039.59" to "\$9039.64" and on page 18 line 7 change "\$9039.60" to "\$9039.65" and on page 24 line 21 change "\$9039.61" to "\$9039.66"

On motion of Senator Fields, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 328—

BY SENATOR JONES

AN ACT

To amend and reenact R.S. 33:2740.51(C), (F)(1), (2), and (3), (G)(1)(a), and (L)(14), to enact R.S. 33:2740.51(I)(3), (L)(15) and (16), (M), (N), (O), and (P), and to repeal R.S. 33:2740.51(H), relative to the Southside Economic Development District of the City of Monroe; to provide for its rights and powers, including the authority for tax increment financing by the district; to provide for its termination; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 328 by Senator Jones

AMENDMENT NO. 1

On page 1, delete lines 1 and 2 in their entirety and insert the following:

"To enact R.S. 33:2740.51(M), (N), (O), and (P), and to repeal"

AMENDMENT NO. 2

On page 1, line 5, after "to provide" delete "for its rights and powers, including" and insert "the board"

AMENDMENT NO. 3

On page 1, line 6, delete "increment"

AMENDMENT NO. 4

On page 1, delete lines 10 and 11 in their entirety and insert the following:

"Section 1. R.S. 33:2740.51(M), (N), (O), and (P)"

AMENDMENT NO. 5

On page 1, delete lines 16 and 17

AMENDMENT NO. 6

On page 2, delete lines 1 through 29

AMENDMENT NO. 7

On page 3, delete lines 1 through 29

AMENDMENT NO. 8

On page 4, delete lines 1 through 28

AMENDMENT NO. 9

On page 6, line 17, after "**Term.**" delete "**(1)**"

On motion of Senator Fields, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 334—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 33:1236(30)(b)(i), (iii), (iv) and (vi) and 4876 relative to the powers of local governing authorities; to provide with respect to authorization of the St. Tammany Parish governing authority to require and compel property owners to remove trash, debris, junk, wrecked or used automobiles or motor vehicles, or other discarded items being stored or kept on property; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Fields, the bill was read by title, ordered engrossed, and passed to a third reading.

House Bills and Joint Resolutions on Second Reading Reported by Committees

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE BILL NO. 21—

BY REPRESENTATIVE HILL

AN ACT

To enact R.S. 33:4574.14, relative to the Allen Parish Tourist Commission; to provide for the payment of per diem to members of the commission; to limit the number of meetings for which per diem will be paid; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 26—

BY REPRESENTATIVE MCVEA

AN ACT

To amend and reenact R.S. 33:1236(55)(c), relative to the fees required to be charged by the clerk of court of East Feliciana Parish and remitted to the parish governing authority; to specify that the fees shall cover expenses of the office of the clerk; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 117—

BY REPRESENTATIVE FRITH

AN ACT

To amend and reenact Sections 9(B)(14)(Vermilion Parish) and 10(D)(23) of Act No. 590 of the 2004 Regular Session of the Louisiana Legislature, relative to the Revenue Sharing Fund; to provide with respect to certain distributions in Vermilion Parish for Fiscal Year 2004-2005; to provide for retroactive application of this Act; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 123—

BY REPRESENTATIVES DOWNS AND GALLOT

AN ACT

To enact R.S. 36:509(U) and Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.295, relative to the Lincoln Parish Reservoir Authority; to create the Lincoln Parish Reservoir Authority as a state agency; to provide for a board of commissioners to manage the reservoir authority; to provide for the reimbursement of the amount originally paid for property returned to a prior landowner; to limit the authority of the district to expropriate property; to provide for the powers and duties of the authority including the authority to issue bonds; to prohibit certain actions; to provide for penalties; to provide relative to the authority's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 243—

BY REPRESENTATIVE QUEZAIRE

AN ACT

To authorize and provide for the conveyance of certain state property in Allen Parish and East Baton Rouge Parish to the Department of Transportation and Development; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 256—

BY REPRESENTATIVE DOVE

AN ACT

To amend and reenact R.S. 38:301(C)(1)(b) and to enact R.S. 38:301(C)(2)(g) and (3), relative to the Terrebonne Levee and Conservation District; to provide relative to the appropriation of property by the district; to provide relative to notification of property owners; to provide relative to challenges to an appropriation or compensation paid for appropriated property; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 270—

BY REPRESENTATIVES ANSARDI AND MARTINY

AN ACT

To amend and reenact R.S. 32:411.1(E)(2), relative to the surrender of drivers' licenses; to authorize the issuance of temporary permits electronically under certain circumstances; to provide relative to certain requirements; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 271—

BY REPRESENTATIVE BAYLOR

AN ACT

To amend and reenact R.S. 47:332.6(B), relative to the dedication of certain sales tax revenues in the city of Shreveport; to change the dedication and allowable uses of monies in the Shreveport Riverfront and Convention Center and Independence Stadium Fund; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 294—

BY REPRESENTATIVE TOWNSEND

AN ACT

To enact R.S. 2:135.1(A)(4), relative to the lease of certain airport facilities at the Natchitoches Regional Airport; to exempt leases from provisions on leases of public lands; to require the governing authority of certain airports to meet certain requirements; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 297—

BY REPRESENTATIVES JOHNS, GEYMAN, E. GUILLORY, KLECKLEY, MORRISH, AND JOHN SMITH AND SENATORS MOUNT AND THEUNISSEN

AN ACT

To amend and reenact R.S. 47:302.14, relative to the dedication of certain sales tax revenues in Calcasieu Parish; to provide for the dedication of proceeds derived from state sales tax on hotel occupancy in Calcasieu Parish; to provide for the issuance of bonds secured by such proceeds; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Finance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Finance to Engrossed House Bill No. 297 by Representative Johns

AMENDMENT NO. 1

On page 3, after line 6, insert the following:

"Section 3. This Act shall become effective only if the Act that originated as House Bill 542 of the 2005 Regular Session of the Legislature is enacted into law."

On motion of Senator Heitmeier, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 312—

BY REPRESENTATIVES GLOVER AND BRUCE
AN ACT

To enact Chapter 5-N of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.111 through 380.116, and R.S. 36:744(Y) and 801.18, to create the Spring Street Historical Museum in the Department of State; to provide relative to the governing authority of the museum including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations including fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state and the Department of State with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 313—

BY REPRESENTATIVE HAMMETT
AN ACT

To enact Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.297, relative to Lake St. John in Concordia Parish; to create the Lake St. John Recreation and Water Conservation District as a political subdivision of the state; to create and to provide for a board of commissioners to manage the district; to provide for powers and duties of the district and the board; to authorize the board to levy taxes and parcels fees, issue bonds, and incur debt; to authorize the board to promulgate rules and regulations to accomplish the purposes of the district; to provide for penalties; to provide relative to the duties and powers of the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; to provide with respect to mineral leases; to provide for creation and construction of playgrounds and recreational facilities; to provide for the regulation of commercial establishments; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 313 by Representative Hammett

AMENDMENT NO. 1

On page 10, line 19, change "To" to "Pursuant to and in accordance with any statewide laws for the management, protection, or regulation of surface water, to"

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 339—

BY REPRESENTATIVE PITRE
AN ACT

To authorize the Grand Isle Port Commission to use certain state property for seafood research; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 390—

BY REPRESENTATIVES STRAIN AND DANIEL
AN ACT

To amend and reenact R.S. 38:421(B) through (F) and (I) through (K) and to enact R.S. 38:421(O), relative to the assessments and forced contribution of levee and drainage districts; to exempt certain produce and other commodities from the local assessment or forced contribution; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 434—

BY REPRESENTATIVES CRANE, SALTER, ALARIO, DORSEY, HAMMETT, BRUCE, AND TOOMY AND SENATORS HINES, BAJOE, HEITMEIER, AND MOUNT
AN ACT

To enact Chapter 41 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3951, and R.S. 36:651(G)(2), relative to the creation of the High School Redesign Commission; to provide for the purpose of the commission; to provide for commission duties and responsibilities, membership, vacancies, compensation, and reporting requirements; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 452—

BY REPRESENTATIVE DOERGE
AN ACT

To amend and reenact R.S. 40:1496(D), relative to certain fire protection districts located in more than one parish; to provide relative to qualifications of members of the boards of commissioners of such districts; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 498—

BY REPRESENTATIVES KLECKLEY, GEYMAN, JOHNS, AND MORRISH AND SENATOR THEUNISSEN
AN ACT

To name a portion of Nelson Road Extension in Calcasieu Parish the L'Auberge Boulevard and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Engrossed House Bill No. 498 by Representative Kleckley

AMENDMENT NO. 1

On page 1, line 6, after "north" change "right of way" to "right-of-way" and after "Lake Road" delete the remainder of the line and delete line 7 in its entirety and insert "to the south right-of-way of the Interstate 210 is hereby named L'Auberge Boulevard. The"

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 509—

BY REPRESENTATIVE TRICHE

AN ACT

To enact R.S. 32:853(A)(1)(e), relative to motor vehicle operating records; to provide relative to offenses included on an individual's operating record; to prohibit certain offenses from appearing on an individual's operating record; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 548—

BY REPRESENTATIVE THOMPSON

AN ACT

To authorize and provide for the transfer of certain property in Richland Parish to the Department of Culture, Recreation and Tourism; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 592—

BY REPRESENTATIVE WALSWORTH

AN ACT

To amend and reenact R.S. 49:314(B)(3), relative to appropriations from the Transportation Trust Fund; to change the time period for the Attorney General to certify the constitutionality of appropriations from such fund prior to the expenditures of such revenues; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 596—

BY REPRESENTATIVE FANNIN

AN ACT

To enact R.S. 36:509(U) and Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.295, relative to the Jackson Parish Dugdemona Watershed Reservoir Authority; to create the Jackson Parish Dugdemona Watershed Reservoir Authority as a state agency; to provide for a board of commissioners to manage the reservoir authority; to provide for the powers and duties of the authority including the authority to issue bonds; to prohibit certain actions; to provide for penalties; to provide relative to the authority's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 596 by Representative Fannin

AMENDMENT NO. 1

On page 5, at the end of line 9, delete "The" and delete line 10 in its entirety

AMENDMENT NO. 2

On page 5, line 11, delete "of commissioners each year."

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the

Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 669—

BY REPRESENTATIVE MCVEA

AN ACT

To enact Chapter 44 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:3281 through 3286, to create the West Feliciana Parish Port Commission; to provide for a board of commissioners to manage the commission; to provide for the powers and duties of the commission including the authority to levy taxes and issue bonds; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Reengrossed House Bill No. 669 by Representative McVea

AMENDMENT NO. 1

On page 1, delete line 4, and insert "to provide for"

AMENDMENT NO. 2

On page 2, line 5, delete "governed by a board" and insert "composed"

AMENDMENT NO. 3

On page 2, line 12, after "Foundation" and before the period ".", insert ", or its successor"

AMENDMENT NO. 4

On page 2, at the end of line 13, delete "from"

AMENDMENT NO. 5

On page 2, line 14, delete "a list of nominations submitted by" and insert "nominated by a majority vote of"

AMENDMENT NO. 6

On page 2, delete lines 16 and 17 and insert in lieu thereof "Parish."

AMENDMENT NO. 7

On page 2, line 26, after "years." delete "The remaining commissioners" and insert "Any other commissioner appointed pursuant to Paragraph (2)"

AMENDMENT NO. 8

On page 2, line 27, after "years." insert "Thereafter, the successors to such commissioners shall be appointed for terms of six years."

AMENDMENT NO. 9

On page 3, delete lines 16 and 17 and insert in lieu thereof the following:

"D. The commissioners shall serve without compensation."

AMENDMENT NO. 10

On page 3, at the end of line 24, after "commissioners" insert a period "."

AMENDMENT NO. 11

On page 3, at the beginning of line 25, delete "of the board."

AMENDMENT NO. 12

On page 6, line 14, after "States" and before "Corps" insert "Army"

AMENDMENT NO. 13

On page 7, line 1, after "rights" insert a period "." and delete the remainder of the line and on line 2 delete "facilities existing on June 1, 2005."

AMENDMENT NO. 14

On page 7, line 10, after "lease," delete "expropriation."

AMENDMENT NO. 15

On page 8, line 4, after "years;" and before "however," insert "provided."

AMENDMENT NO. 16

On page 10, delete lines 14 through 28, and on page 11, delete lines 1 and 2

AMENDMENT NO. 17

On page 11, line 3, change "B." to "A."

AMENDMENT NO. 18

On page 11, line 8, after "proposition" insert "is"

AMENDMENT NO. 19

On page 11, line 25, change "C." to "B."

AMENDMENT NO. 20

On page 12, line 1, change "D." to "C."

AMENDMENT NO. 21

On page 12, line 7, change "E." to "D."

AMENDMENT NO. 22

On page 12, line 16, change "F." to "E."

AMENDMENT NO. 23

On page 12, line 28, change "G." to "F."

AMENDMENT NO. 24

On page 13, line 3, change "H." to "G."

AMENDMENT NO. 25

On page 13, line 9, change "I." to "H."

AMENDMENT NO. 26

On page 13, line 15, change "J." to "I."

AMENDMENT NO. 27

On page 13, line 21, change "K." to "J."

AMENDMENT NO. 28

On page 14, line 1, change "L." to "K."

AMENDMENT NO. 29

On page 14, line 4, change "M." to "L."

AMENDMENT NO. 30

On page 14, line 15, change "N." to "M."

AMENDMENT NO. 31

On page 14, line 21, change "O." to "N."

AMENDMENT NO. 32

On page 14, line 27, change "P." to "O."

On motion of Senator Ellington, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 717—

BY REPRESENTATIVE MCDONALD
AN ACT

To enact Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.294, to create the Bayou Desiard Lake Restoration Commission as a political subdivision of the state; to provide relative to the purpose and boundaries of the commission; to provide for a board of commissioners to manage the commission; to provide for powers and duties of the commission and board; to provide relative to the power of taxation and the issuance of bonds; to prohibit certain actions; to provide for penalties; to provide relative to the commission's relationship with the Department of Transportation and Development and the

Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 775—

BY REPRESENTATIVES BARROW, ALARIO, ALEXANDER, BADON, DANIEL, DORSEY, DOWNS, FANNIN, GREENE, HAMMETT, HONEY, KENNEY, M. POWELL, T. POWELL, RITCHIE, SALTER, TRAHAN, WRIGHT, BRUCE, AND THOMPSON AND SENATORS BAJOE AND HINES

AN ACT

To amend and reenact R.S. 29:36.1(A) and (B) and to enact R.S. 29:36.1(E), to provide exemptions from tuition charges imposed by Louisiana public colleges and universities for certain students serving in the Louisiana National Guard, including but not limited to students serving pursuant to re-enlistment agreements; to provide relative to conditions, limitations, and requirements for initial and continuing eligibility for such tuition exemptions; to provide for effectiveness, to provide an effective date; and to provide for related matters.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Reengrossed House Bill No. 775 by Representative Barrow

AMENDMENT NO. 1

On page 2, delete line 26, and insert "**mobilization order.**"

On motion of Senator Ullo the committee amendment was adopted. The amended bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 821(Substitute for House Bill No. 129 by Representative Montgomery)—

BY REPRESENTATIVES MONTGOMERY, GALLOT, M. GUILLORY, ST. GERMAIN, WALSWORTH, AND DARTEZ AND SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 13:1899(C), relative to the assessment of costs in criminal cases in city courts; to provide for a more uniform and in some instances an increase in court costs in criminal matters to fund the offices of marshals and constables of the courts; to provide for an exception, and to provide for related matters.

Reported favorably by the Committee on Finance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**Senate Bills and Joint Resolutions
Returned from the House
of Representatives with Amendments**

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE BILL NO. 54—

BY SENATOR DUPRE AND REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 38:3086.23(A) and (B) and to enact R.S. 38:3086.22(D), relative to the Bayou Lafourche Fresh Water District; to authorize the inclusion of Terrebonne Parish within the district under certain terms, conditions and requirements; to provide relative to membership and composition of the district board; to require prior approval of the Terrebonne Parish Council and voters of Terrebonne Parish; to provide for an effective date; and to provide for related matters.

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May 24, 2005

18th DAY'S PROCEEDINGS

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Conforming amendments proposed by Representative Baldone to Reengrossed Senate Bill No. 54 by Senator Dupre (Duplicate of HB No. 266)

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete "R.S. 38:3086.23(A) and (B) and to enact R.S. 38:3086.22(D)," and insert "R.S. 38:3086.22(A) and 3086.23(A), (B), and (C),"

AMENDMENT NO. 2

On page 1, line 3, delete "authorize the inclusion of" and delete lines 4 through 7 in their entirety and insert the following:

"provide for expanding the jurisdiction of the district; to authorize the inclusion of Terrebonne Parish within the district subject to approval of the governing authority and the voters of the parish; to provide for the composition of the board if the jurisdiction is expanded; and to provide for related"

AMENDMENT NO. 3

On page 1, line 11, delete "R.S. 38:3086.23(A) and (B)" and insert "R.S. 38:3086.22(A) and 3086.23(A), (B), and (C)"

AMENDMENT NO. 4

On page 1, at the end of line 11, delete "and R.S." and on line 12, delete "38:3086.22(D) is hereby enacted"

AMENDMENT NO. 5

On page 1, between lines 13 and 14, insert the following:

"A. The Bayou Lafourche Fresh Water District shall be composed of all of Lafourche Parish, except that portion of the parish having a front of two hundred feet on Bayou Des Allemands and running back westerly a distance of thirty-eight thousand six hundred ninety-five feet, being one hundred feet on each side of the center line of the main line track of the Texas and New Orleans Railroad; that portion of Ascension Parish lying along both banks of Bayou Lafourche between the Mississippi River and the boundary line between the parishes of Assumption and Ascension, and within lines drawn on each side of the bayou for a distance of four thousand two hundred feet from the center of the bayou, as established by government survey; and all of Assumption Parish and Terrebonne Parish."

AMENDMENT NO. 6

On page 1, delete lines 15 through 17 in their entirety and on page 2, delete lines 1 through 4 in their entirety

AMENDMENT NO. 7

On page 2, line 20, after "(1)" delete the remainder of the line, delete line 21 in its entirety, and on line 22, delete "membership of the" and insert "The"

AMENDMENT NO. 8

On page 2, line 22, after "composed of" delete "seven" and insert "eleven"

AMENDMENT NO. 9

On page 2, line 24, after "Assumption," delete "and"

AMENDMENT NO. 10

On page 2, line 25, after "Lafourche" change the period "." to a comma ",", and delete the remainder of the line and delete lines 26 and 27 in their entirety and insert the following:

"and four members appointed to represent the parish of Terrebonne, all as otherwise provided by this Subsection."

AMENDMENT NO. 11

On page 2, line 28, delete "of the governing authority"

AMENDMENT NO. 12

On page 3, line 7, delete "Subparagraph." and insert "Paragraph."

AMENDMENT NO. 13

On page 3, line 8, after "confirmation and" insert "each such commissioner"

AMENDMENT NO. 14

On page 3, line 29, delete "district includes" and insert "districts include"

AMENDMENT NO. 15

On page 4, delete lines 2 through 29 in their entirety and on page 5, delete lines 1 through 14 in their entirety

AMENDMENT NO. 16

On page 5, line 16, after "governor" delete the remainder of the line and delete lines 17 through 29 in their entirety and insert the following:

"(5)(a) Four commissioners shall be residents of the parish of Terrebonne appointed by the governor, subject to Senate confirmation, from nominations and subject to further residency requirements as follows:

(i) The governor shall appoint two residents of that portion of the parish north of the Intracoastal Waterway from a single list of nominations submitted by a majority of members of the state legislature representing that portion of the parish.

(ii) The governor shall appoint two residents of that portion of the parish south of the Intracoastal Waterway from a single list of nominations submitted by a majority of members of the state legislature representing that portion of the parish.

(b) Members appointed pursuant to this Paragraph shall serve four-year terms.

~~E. B.~~ A vacancy in an unexpired term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

C. The members so selected and appointed shall meet within thirty days after the appointment last made. They shall elect a chairman, a vice chairman, and a secretary-treasurer."

AMENDMENT NO. 17

On page 6, delete lines 1 through 11 in their entirety

AMENDMENT NO. 18

On page 6, between lines 12 and 13, insert the following:

"Section 2. Section 1 of this Act shall become effective upon approval by the governing authority and the voters of Terrebonne Parish including Terrebonne Parish in the Bayou Lafourche Fresh Water District as provided in this Section:

A. Parish governing authority approval of inclusion shall be indicated by adoption of a resolution expressing such approval. The governing authority may adopt such a resolution at a regular or special meeting.

B. Upon adoption of the resolution, the governing authority may call an election, to be held in accordance with the Louisiana Election Code, on the question of whether or not the parish shall be included within the boundaries of the Bayou Lafourche Fresh Water District. The ballot proposition submitted to the voters shall specify the types and rates of taxes levied by the district at that time and any applicable dedications of proceeds from those taxes.

C. If a majority of those voting at the election provided for in this Section vote in favor of the proposition, the boundaries of the district shall be expanded to include Terrebonne Parish on the day following promulgation of the results of the election. As of that day, any taxes being levied by the district at the time of the election shall be applicable in Terrebonne Parish.

D. Upon expansion of the district as provided in this Section, nominations for commissioners made pursuant to R.S. 38:3086.23(A)(5) as enacted by this Act shall be submitted to the governor, and the governor shall proceed to make such appointments."

AMENDMENT NO. 19

On page 6, line 13, delete "Section 2. This" and insert "Section 3. Section 2 and this Section of this"

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 54 by Senator Dupre

AMENDMENT NO. 1

In House Floor Amendment No. 16 proposed by Representative Baldone and adopted by the House of Representatives on May 16, 2005, on page 2, delete line 27 and on line 28, delete "Terrebonne appointed by the governor"

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Quezaire to Reengrossed Senate Bill No. 54 by Senator Dupre

AMENDMENT NO. 1

In House Floor Amendment No. 8 in the set of Conforming Amendments proposed by Representative Baldone and adopted by the House on May 16, 2005, change "eleven" to "twelve"

AMENDMENT NO. 2

On page 2, at the beginning of line 23, delete "one member" and insert "two members"

AMENDMENT NO. 3

Delete House Floor Amendment No. 19 in the set of Conforming Amendments proposed by Representative Baldone and adopted by the House on May 16, 2005.

AMENDMENT NO. 4

On page 6, between lines 12 and 13, insert the following:
"Section 3. R.S. 38:3086.23(B)(1) and (2) are hereby amended and reenacted to read as follows:
§3086.23. Board of commissioners; membership; officers; vacancies

* * *

~~B.(1) Beginning with the term for members of the board of commissioners that begins in 2004, the~~ The membership of the board shall be composed of ~~seven~~ eight members selected as follows: ~~one member~~ two members appointed to represent the parish of Ascension, two members appointed to represent the parish of Assumption, and four members appointed to represent the parish of Lafourche.

(2)(a) The president of the governing authority of the parish of Ascension shall appoint one commissioner who shall be a resident of the parish of Ascension, who resides within the district, and who shall serve a term of four years.

(b) The legislative delegation of the parish of Ascension shall appoint one commissioner who shall be a resident of the parish of Ascension who resides within the district and who shall serve a term of four years.

* * *

AMENDMENT NO. 5

On page 6, line 13, change "Section 2. This" to "Section 4. Sections 2 and 3 and this Section of this"

AMENDMENT NO. 6

On page 6, line 16, after "legislature," insert "Sections 2 and 3 and this Section of"

Senator Dupre moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount

Barham
Boasso
Cain
Chaisson
Cheek
Cravins
Dardenne
Total - 32

Fontenot
Gautreaux B
Jackson
Jones
Kostelka
Lentini
Malone

Murray
Nevers
Romero
Smith
Theunissen
Ullo

NAYS

Total - 0

ABSENT

Broome
Gautreaux N
Total - 5

Heitmeier
Hollis

Schedler

The Chair declared the amendments proposed by the House were concurred in. Senator Dupre moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 167—

BY SENATOR AMEDEE AND REPRESENTATIVE QUEZAIRE

AN ACT

To enact R.S. 38:326.1(E), relative to the Lafourche Basin Levee District; to authorize the district to contract for certain law enforcement services with sheriffs' offices within the boundaries of the levee district; and to provide for related matters.

On motion of Senator Amedee, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 258—

BY SENATORS KOSTELKA, BAJOE, MOUNT AND SCHEDLER AND REPRESENTATIVES JOHNS, ALARIO, DORSEY, HAMMETT AND SALTER

AN ACT

To amend and reenact R.S. 13:5106(B)(1) and (2), relative to the Louisiana Governmental Claims Act; to provide relative to limitations of liability for the state and political subdivisions; to provide for liability for damages for personal injury and wrongful death; to provide for legislative intent; and to provide for related matters.

On motion of Senator Kostelka, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 307—

BY SENATOR MURRAY AND REPRESENTATIVE RICHMOND

AN ACT

To amend and reenact R.S. 39:1351(A) and (B), 1352, 1353, and 1354, and to enact R.S. 17:10.1(C), relative to fiscal administrators for political subdivisions; to provide relative to the authority to seek the judicial appointment of a fiscal administrator for political subdivisions; to provide for the authority of the State Board of Elementary and Secondary Education to define certain circumstances applicable to city, parish, and other local public school systems; to provide relative to the appointment of a fiscal administrator; to provide relative to the duties, authority, and termination of the authority of such fiscal administrator; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Conforming amendments proposed by Representative Richmond to Engrossed Senate Bill No. 307 by Senator Murray (Duplicate of HB No. 776)

AMENDMENT NO. 1

On page 4, line 13, delete "R.S. 39:1308," and insert "R.S. 39:1309,"

HOUSE FLOOR AMENDMENTS

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Amendments proposed by Representative Richmond to Engrossed Senate Bill No. 307 by Senator Murray

AMENDMENT NO. 1

On page 2 at the beginning of line 21 change "**(b)(i)**" to "**(b)**"

Senator Murray moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Smith
Chaisson	Jones	Theunissen
Cheek	Kostelka	Uilo
Cravins	Lentini	
Dardenne	Malone	
Total - 34		

NAYS

Total - 0

ABSENT

Heitmeier	Hollis	Schedler
Total - 3		

The Chair declared the amendments proposed by the House were concurred in. Senator Murray moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

Senate Resolutions to be Adopted, Subject to Call

The following Senate Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Marionneaux asked that Senate Resolution No. 39 be called from the Calendar at this time.

SENATE RESOLUTION NO. 39— BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army National Guard Staff Sergeant Jonathan R. Reed upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

Called from the Calendar

Senator Marionneaux asked that Senate Resolution No. 40 be called from the Calendar at this time.

SENATE RESOLUTION NO. 40— BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Army

Sergeant Major Barbaralien Banks upon her death in Operation Enduring Freedom.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

Senate Concurrent Resolutions on Second Reading Reported by Committees

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 58— BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To urge and request that the Louisiana Board of Elementary and Secondary Education and the Louisiana Department of Education and Louisiana Superintendent of Education support, promote, and expand the Teacher Advancement Program (TAP). The Teacher Advancement Program model was created as a bold new strategy to attract and retain talented people to the teaching profession and to improve student performance by reorganizing schools in ways that provide new incentives and support for teachers.

Reported with amendments by the Committee on Education.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Concurrent Resolution No. 58 by Senator Theunissen

AMENDMENT NO. 1

On page 1, line 2, change "Louisiana" to "State" and after "Education" change "and" to a comma

AMENDMENT NO. 2

On page 1, line 3, after "Education" insert a comma and after "and" insert "the"

AMENDMENT NO. 3

On page 1, line 3, after "(TAP)" delete "The" and create a paragraph and insert "WHEREAS, the"

AMENDMENT NO. 4

On page 1, line 8, after "teachers" change the period to a semicolon and insert "and"

AMENDMENT NO. 5

On page 2, line 5, change "K-12" to "kindergarten through twelfth grade"

AMENDMENT NO. 6

On page 2, line 8, after "rule" change the period to a semicolon and create a paragraph and insert "WHEREAS, "

AMENDMENT NO. 7

On page 2, line 21, after "careers," insert "including" and after "mentor" delete the comma

AMENDMENT NO. 8

On page 2, line 23, change "so" to "as"

AMENDMENT NO. 9

On page 2, line 29, change "Louisiana" to "State"

AMENDMENT NO. 10

On page 3, line 2, change "does hereby recognize" to "hereby recognizes"

AMENDMENT NO. 11

On page 3, line 4, change "implemented" to "taken"

On motion of Senator Ullo, the committee amendment was adopted.

The resolution was read by title. Senator Theunissen moved to adopt the amended Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Chaisson	Heitmeier	Hollis
Total - 3		

The Chair declared the Senate had adopted the amended Senate Concurrent Resolution and ordered it engrossed and sent to the House.

SENATE CONCURRENT RESOLUTION NO. 66— BY SENATOR NEVERS

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to permit public access to the West Pearl River Navigational Canal located in the parishes of St. Tammany and Washington and to extend the date scheduled for closure until such time that an alternate long-term solution can be determined.

Reported favorably by the Committee on Transportation, Highways and Public Works.

The resolution was read by title. Senator Nevers moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	McPherson
Adley	Dupre	Michot
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Total - 32		

NAYS

Total - 0

ABSENT

Cravins	Heitmeier	Marionneaux
Gautreaux N	Hollis	
Total - 5		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

SENATE BILL NO. 78— BY SENATOR ADLEY

AN ACT

To enact R.S. 40:1300.143(3)(a)(xii), relative to the rural hospital preservation act; to provide an additional definition of a rural hospital; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 78 by Senator Adley23

AMENDMENT NO.1

On page 1, line 11, change "**R. S. 40:1300.143(3)(c) and (d)**" to "**Subparagraphs (3)(c) and (d) of this Section**"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Adley moved the final passage of the amended bill

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Cravins	Heitmeier	Hollis
Total - 3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Senator McPherson in the Chair

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SENATE BILL NO. 84—

BY SENATORS SMITH AND ADLEY AND REPRESENTATIVE SALTER
AN ACT

To amend and reenact R.S. 17:1871(A)(2), relative to membership of the Board of Supervisors of Community and Technical Colleges; to provide relative to terms and qualifications of appointees to the board; to provide with regard to experience as a condition of appointment; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Total - 33		

NAYS

Dardenne
Total - 1

ABSENT

Heitmeier	Hollis	Mount
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 155—

BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 46:1408(A) and (B), 1409(A) and (B)(introductory paragraph), 1411, 1412(B), 1413(A) and (J), 1417, and 1419, relative to multi-year licenses for child care facilities and child placing agencies; to provide for advice and consultation from the child care committees; to provide for the promulgation of applicable rules; and to provide for related matters.

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Chaisson and Adley to Engrossed Senate Bill No. 155 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, after "1409(A)" change "and" to a comma "," and after "(introductory paragraph)" and before the comma "," insert "and (D)"

AMENDMENT NO. 2

On page 1, line 8, after "1409(A)" change "and" to a comma "," and after "(introductory paragraph)" and before the comma "," insert "and (D)"

AMENDMENT NO. 3

On page 3, between lines 10 and 11, insert the following:

"D. A comprehensive review of all standards, rules, and regulations for Class A facilities shall be made at least every three years by the department to submit to the child care committee as provided in R.S. 46:1407 and this Section, subject to the approval of the oversight subcommittees of the House Committee on Health and Welfare and the Senate Committee on Health and Welfare. In any amending of the rules and regulations pursuant to this Subparagraph, the department shall seek the guidance and suggestions of an advisory task force to be composed of members of the Louisiana Advisory Committee on Licensing of Child Day Care Facilities and the Louisiana Committee on Private Child Care.

* * *

AMENDMENT NO. 4

On page 5, at the end of line 11, after "action," insert the following:

"If any committee member misses any two consecutive committee meetings then that member shall automatically be removed from the committee and a new member shall be appointed to the committee in the same manner as the removed member was appointed."

On motion of Senator Chaisson, the amendments were adopted.

Floor Amendments Sent Up

Senator N. Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed Senate Bill No. 155 by Senator Chaisson

AMENDMENT NO. 1

On page 1, lines 3 and 9, delete "1411, 1412(B), 1413(A) and (J),"

AMENDMENT NO. 2

On page 3, delete lines 11 through 29

AMENDMENT NO. 3

On page 4, delete lines 1 through 15

AMENDMENT NO. 4

On page 5, line 7, delete "either" and insert "the child care"

AMENDMENT NO. 5

On page 5, line 9, after "a" and before "license" insert "Class A"

Senator N. Gautreaux moved adoption of the amendments.

Senator Chaisson objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Schedler
Broome	Gautreaux N	Smith
Cain	Heitmeier	Theunissen
Cheek	Kostelka	
Cravins	Lentini	
Total - 25		

NAYS

Bajoie	Jackson	Nevers
Chaisson	Jones	Ullo

Duplessis
Dupre
Total - 10

McPherson
Murray

ABSENT

Hollis
Total - 2

Romero

The Chair declared the amendments were adopted.

Personal Privilege

Senator Nevers asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on the amendment by Senator N. Gautreaux to Senate Bill No. 155. He voted yea on the amendment and had intended to vote nay. He asked that the Official Journal so state.

The bill was read by title. Senator Chaisson moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Lentini
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Chaisson	Heitmeier	Nevers
Cheek	Jackson	Schedler
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Total - 30		

NAYS

Barham	Fontenot	Smith
Cain	Malone	
Total - 5		

ABSENT

Hollis
Total - 2

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair

SENATE BILL NO. 162— BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 29:732(A), relative to price gouging; to prohibit price gouging during a named tropical storm or hurricane; and to provide for related matters.

The bill was read by title. Senator Heitmeier moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount

Barham
Boasso
Broome
Cain
Chaisson
Cheek
Cravins
Duplessis
Total - 34

Gautreaux B
Gautreaux N
Heitmeier
Jackson
Jones
Kostelka
Lentini
Malone

Murray
Nevers
Romero
Schedler
Smith
Theunissen

NAYS

Total - 0

ABSENT

Dardenne
Total - 3

Hollis

Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Heitmeier moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 185— BY SENATOR CRAVINS

AN ACT

To enact R.S. 42:851(O), relative to health and accident insurance programs for the office of group benefits; to provide with regard to the applicability of certain requirements to certain employees; and to provide for related matters.

On motion of Senator Cravins, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 225— BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 32:1254(A)(2) and 1255(7) and to enact R.S. 32:1253.1 and 1255(8), relative to the Louisiana Motor Vehicle Commission; to provide for the jurisdiction of the Louisiana Motor Vehicle Commission; to provide for requirements for applications for license; to provide for the denial, revocation, or suspension of license; and to provide for related matters.

Floor Amendments Sent Up

Senator Amedee sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Amedee to Engrossed Senate Bill No. 225 by Senator Amedee

AMENDMENT NO. 1

On page 1, at the beginning of line 2 after "To" delete the remainder of the line and insert "enact R.S. 32:1253.1,"

AMENDMENT NO. 2

On page 1, at the beginning of line 3 delete "1255(8),"

AMENDMENT NO. 3

On page 1, at the end of line 4 after "Commission;" delete the remainder of the line and delete line 5 in its entirety

AMENDMENT NO. 4

On page 1, at the beginning of line 6 delete "suspension of license;"

AMENDMENT NO. 5

On page 1, line 8 after "Section 1." delete the remainder of the line

AMENDMENT NO. 6

On page 1, line 9 after "R.S. 32:1253.1" delete "and 1255(8) are" and insert "is"

AMENDMENT NO. 7

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On page 1, line 13 after "**Chapter**" insert a period "." and delete the remainder of the line

AMENDMENT NO. 8

On page 1, delete lines 14 through 17 in their entirety

AMENDMENT NO. 9

On page 2, delete lines 1 and 2 in their entirety

AMENDMENT NO. 10

On page 2, line 3 change "**C.**" to "**B.**"

AMENDMENT NO. 11

On page 2, delete lines 9 through 29 in their entirety

AMENDMENT NO. 12

On page 3, delete lines 1 through 8 in their entirety

On motion of Senator Amedee, the amendments were adopted.

The bill was read by title. Senator Amedee moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneau
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	

Total - 35

NAYS

Total - 0

ABSENT

Hollis
Total - 2

Schedler

The Chair declared the amended bill was passed. The title was read and adopted. Senator Amedee moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 238—

BY SENATORS ELLINGTON, AMEDEE, FONTENOT, HOLLIS AND MICHOT

AN ACT

To amend and reenact R.S. 47:318(B)(2), relative to the Department of Economic Development; to provide relative to the disposition of certain tax collections; to provide relative to the marketing fund; and to provide for related matters.

The bill was read by title. Senator Ellington moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneau

Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	

Total - 35

NAYS

Total - 0

ABSENT

Hollis
Total - 2

Schedler

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 255—

BY SENATOR MICHOT

AN ACT

To amend and reenact Chapter 6 of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:1251 through 1269, relative to the distribution and sale of motor vehicles; to provide for a comprehensive reorganization of the law relative to the distribution and sale of motor vehicles; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 255 by Senator Michot

AMENDMENT NO.1

On page 24, line 19, at the beginning of the line delete "**motor vehicle dealer holding**"

AMENDMENT NO. 2

On page 60, line 21, following "**under**" and before "**(aa)**" change "**Subparagraph**" to "**Subitems**"

AMENDMENT NO. 3

On page 82, line 9, at the beginning of the line change "**Subparagraph**" to "**Subsection**"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Michot sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 255 by Senator Michot

AMENDMENT NO.1

On page 11, line 4 after "**any person**" insert "**engaged in the selling or leasing of motor vehicles, or otherwise licensed by this Chapter,**"

On motion of Senator Michot, the amendments were adopted.

The bill was read by title. Senator Michot moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total - 35		

NAYS

Total - 0

ABSENT

Hollis	Schedler
Total - 2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 266— BY SENATOR JONES

AN ACT

To amend and reenact R.S. 51:1037 and to enact R.S. 51:1032(A)(8) and Part IV of Chapter 4-B of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1045.1 through 1045.3, relative to poverty; to provide legislative findings; to provide for annual reports on the Strategic Plan to Combat Poverty; to provide for the coordination and implementation of the recommendations of the Governor's Summit on Solutions to Poverty; and to provide for related matters.

Floor Amendments Sent Up

Senator Jackson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson to Engrossed Senate Bill No. 266 by Senator Jones

AMENDMENT NO. 1

On page 1, line 2, after "(8)" insert "and R.S. 51:1037(D)"

AMENDMENT NO. 2

On page 1, line 9, after "(8)" insert ", R.S. 51:1037(D),"

AMENDMENT NO. 3

On page 2, between lines 27 and 28, insert the following:

"The Department of Economic Development, Department of Health and Hospitals, Louisiana Workforce Commission, and Louisiana Board of Regents shall coordinate their work within the Department of Social Services and ensure that the Department of Social Services receives copies of all reports submitted to the legislative committees."

AMENDMENT NO. 4

On page 3, delete lines 9 and 10 and insert "**A. The Department of Social Services shall be in charge of coordinating the overall**

development and implementation of the Governor's Solutions to Poverty Plan, the"

AMENDMENT NO. 5

On page 4, line 1, after "Section." insert "**The implementation plan and feasibility studies shall be coordinated through the Department of Social Services."**

On motion of Senator Jackson, the amendments were adopted.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Engrossed Senate Bill No. 266 by Senator Jones

AMENDMENT NO. 1

On page 4, line 14, after "**Funds**" and before the period "." delete "**to cover non-incumbents and students**"

On motion of Senator Dardenne, the amendments were adopted.

The bill was read by title. Senator Jones moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Total - 35		

NAYS

Kostelka
Total - 1

ABSENT

Hollis
Total - 1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 270— BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 46:978 and 979(A), relative to health care for the uninsured; to provide for authorization for a Section 1115 of the Social Security Act waiver demonstration initiative; to provide for a Section 1115 demonstration program; to provide for expansion of coverage for families below two hundred percent of the federal poverty level; and to provide for related matters.

Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 270 by Senator McPherson

AMENDMENT NO.1

On page 2, delete lines 16 through 27 and insert the following:

"(2)(a) The priority for use of the funding pool, subject to appropriation by the legislature, shall be in the following order:

(i) To provide for the annual federal disproportionate share hospital payments to state hospitals which are referred to as public state-operated hospitals in rules promulgated by the Department of Health and Hospitals.

(ii) To provide for the annual federal disproportionate share hospital payments to hospitals defined by the Rural Hospital Preservation Act.

(iii) To provide for the annual federal disproportionate share hospital payments to any other hospital receiving disproportionate share hospital funding in the 2004-2005 fiscal year, providing the hospital continues to meet disproportionate share hospital funding requirements.

(iv) To provide for annual federal disproportionate share hospital payments for services under the Health Insurance Flexibility and Accountability demonstration or other Section 1115 demonstration initiative approved by the Centers for Medicare and Medicaid Services.

(b) The amount of funding allocated to each of the above priority categories shall be determined by the specific annual appropriations for that category by the legislature or by budget adjustments approved by the Joint Legislative Committee on the Budget.

(c) Such payments shall be made utilizing current disproportionate share hospital payment methodologies and local initiatives payment methodologies to be developed pursuant to this Section.

(d) In addition to the foregoing, public state-operated hospitals and rural hospitals shall be permitted to participate in waivers provided for in this Section and to receive additional reimbursement from the funding pool for services and costs that are eligible for reimbursement under such waivers.

On motion of Senator McPherson, the amendments were adopted.

The bill was read by title. Senator McPherson moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total - 35		

NAYS

Total - 0

ABSENT

Hollis	Romero
Total - 2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 354 (Substitute of Senate Bill No. 314 by Senator Marionneaux)—

BY SENATOR MARIONNEAUX

AN ACT

To enact Part XLII-A of Chapter 5 of Title 40 of the Louisiana Revised Statute of 1950, to be comprised of R.S. 40:1300.30, relative to the preservation and improvement of the health, comfort, and environment of the people of the state by limiting exposure to tobacco smoke; to create the Louisiana Clean Indoor Air Act; to provide relative to purposes, definitions, restrictions, exceptions and penalties; to provide for an effective date; and to provide for related matters.

Motion

On motion of Senator Marionneaux, Senate Bill No. 354 was made Special Order of the Day No. 1 on Wednesday, June 1, 2005, immediately following the Morning Hour.

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Adley asked that Senate Bill No. 30 be called from the Calendar at this time.

SENATE BILL NO. 30—

BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 47:44.1(A), relative to income tax; to recognize and affirm an administrative construction regarding an exemption for annual retirement income by making the Act retroactive; to provide for an exemption for couples filing jointly; and to provide for related matters.

On motion of Senator Adley, the bill was read by title and withdrawn from the files of the Senate.

Called from the Calendar

Senator Barham asked that Senate Bill No. 35 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 35—

BY SENATOR BARHAM

AN ACT

To enact R.S. 40:2405(H), relative to peace officer standards and training; to provide requirements for former peace officers to retain certain qualifications; to provide relative to the resumption of service as a peace officer; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux

Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Total - 35		

NAYS

Total - 0

ABSENT

Hollis	Romero
Total - 2	

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Barham asked that Senate Bill No. 47 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 47— BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 38:3087.212, relative to public contracts, works and improvements; to provide for the power of the Morehouse Parish Lake Commission to levy taxes, issue bonds, and incur indebtedness; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Schedler
Cain	Heitmeier	Smith
Chaisson	Jackson	Theunissen
Cheek	Jones	Ullo
Cravins	Kostelka	
Dardenne	Lentini	
Total - 34		

NAYS

Total - 0

ABSENT

Hollis	Malone	Romero
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Barham asked that Senate Bill No. 118 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 118—

BY SENATORS BARHAM, CHEEK, CRAVINS, LENTINI, MURRAY AND NEVERS

AN ACT

To amend and reenact R.S. 29:406(A) and (C) and 410(A)(introductory paragraph) and (A)(3), (E)(1)(introductory paragraph), (E)(1)(c) and (d), (E)(2)(a), (E)(3), and (F)(1)(introductory paragraph) and to enact R.S. 29:410(E)(4), relative to the Military Service Relief Act; to provide with respect to certain rights for employees who are in the uniformed services and called to active duty and who wish to return to positions of employment held prior to active duty service; to provide with respect to notification and accrual and entitlement to vacation leave; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 118 by Senator Barham

AMENDMENT NO. 1

On page 1, line 4, following "(introductory paragraph)" insert ", and (I),"

AMENDMENT NO. 2

On page 1, line 13, following "paragraph)" insert ", and (I),"

AMENDMENT NO. 3

On page 2, line 18, change "**return to, a position of employment, to such employer**" to "**return to a position of employment**"

AMENDMENT NO. 4

On page 2, line 23, following "return to" delete ", "

AMENDMENT NO. 5

On page 4, line 6, following "employee" delete ", "

AMENDMENT NO. 6

On page 4, line 7, following "**return to**" delete " ; "

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Engrossed Senate Bill No. 118 by Senator Barham

AMENDMENT NO. 1

On page 2, delete lines 5 through 8 in their entirety and insert in lieu thereof the following:

C. The employee shall continue to accrue sick leave, annual leave, vacation leave, ~~or~~ military leave, **holiday pay, and any paid leaves, offered by the employer, pursuant to the employer's stated leave of absence policy which would have accrued if continuously employed, on the same basis as he would have accrued such leave during the period of service in the uniformed services.**

On motion of Senator Barham, the amendments were adopted.

The bill was read by title. Senator Barham moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Total - 35		

NAYS

Total - 0

ABSENT

Boasso	Hollis
Total - 2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Barham asked that Senate Bill No. 215 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 215— BY SENATOR BARHAM

AN ACT

To enact Chapter 5-N of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.111 through 380.116, and R.S. 36:744(Y) and 801.18, to create the Aviation and Military Museum of Louisiana, Inc., in the Department of State; to provide relative to the governing authority of the museum including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations and fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Cain	Gautreaux N	Nevers
Chaisson	Jackson	Romero
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Broome	Hollis
Heitmeier	Schedler
Total - 4	

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

House Concurrent Resolutions on Second Reading Reported by Committees

The following House Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 31— BY REPRESENTATIVES JANE SMITH AND MONTGOMERY A CONCURRENT RESOLUTION

To authorize and direct the Department of Public Safety and Corrections, office of motor vehicles, to inform applicants for issuance and renewal of Louisiana drivers' licenses of the anatomical gift donor and living will designations on the reverse side of the license.

Reported favorably by the Committee on Transportation, Highways and Public Works.

The resolution was read by title. Senator Adley moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Romero
Cain	Jackson	Smith
Chaisson	Jones	Theunissen
Cheek	Kostelka	Ullo
Cravins	Lentini	
Dardenne	Malone	
Total - 34		

NAYS

Total - 0

ABSENT

Dupre	Hollis	Schedler
Total - 3		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Senator McPherson in the Chair

HOUSE CONCURRENT RESOLUTION NO. 56— BY REPRESENTATIVE HILL AND SENATOR HINES A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate a portion of Louisiana Highway 10 in Oakdale, Louisiana, as the "Dr. George B. Mowad Memorial Highway" and to erect proper signage along this route reflecting this designation.

Reported favorably by the Committee on Transportation, Highways and Public Works.

The resolution was read by title. Senator Hines moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 65— BY REPRESENTATIVE JACK SMITH

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install a traffic signal at the intersection of Railroad Avenue and US Highway 90 in Patterson, Louisiana.

Reported favorably by the Committee on Transportation, Highways and Public Works.

The resolution was read by title. Senator B. Gautreaux moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Total - 35		

NAYS

Total - 0

ABSENT

Hollis
Jones

Total - 2

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

HOUSE BILL NO. 64—

BY REPRESENTATIVE DOERGE

AN ACT

To amend and reenact R.S. 25:151(B)(1) and (C) and to enact R.S. 25:151(B)(3), relative to the Webster Parish Library; to provide relative to the disposition of surplus library books; to authorize the library, subject to the approval of its governing board, to sell such books; to provide relative to the disposition of proceeds collected from such sales; to provide relative to the location of such sales; and to provide for related matters.

The bill was read by title. Senator Adley moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Total - 35		

NAYS

Total - 0

ABSENT

Heitmeier
Total - 2
Hollis

The Chair declared the amended bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 227—

BY REPRESENTATIVE CRAVINS

AN ACT

To enact R.S. 33:1448(P), relative to group insurance premiums; to provide for the payment of insurance premiums for certain retired sheriffs and retired deputy sheriffs in St. Landry Parish; and to provide for related matters.

The bill was read by title. Senator Cravins moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Murray
Barham	Fontenot	Nevers
Boasso	Gautreaux B	Romero
Broome	Gautreaux N	Schedler
Cain	Heitmeier	Smith
Chaisson	Jackson	Theunissen
Cheek	Jones	Ullo
Cravins	Kostelka	
Dardenne	Lentini	
Total - 34		

NAYS

Total - 0

ABSENT

Hollis	Marionneau	Mount
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Cravins moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 364—

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 25:215(B)(15), relative to the Concordia Parish Library; to transfer the administration of and accounting functions for funds of the library from the Concordia Parish Police Jury to the Concordia Parish Library Board of Control; to provide relative to the responsibilities of the police jury with respect to the library; and to provide for related matters.

The bill was read by title. Senator Ellington moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneau
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 396—

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 25:380.52(C)(2), relative to the Louisiana Delta Music Museum; to increase the membership of the

governing board of the museum; and to provide for related matters.

The bill was read by title. Senator Ellington moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneau
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 541—

BY REPRESENTATIVE DARTEZ

AN ACT

To amend and reenact R.S. 9:1515(A), relative to the employer's payment of deceased employees' last wages to the surviving spouse or children of the deceased; to delete the limitation on the amount paid by the employer; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator B. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneau
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis

Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator B. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 5—

BY REPRESENTATIVE BAUDOUIN

AN ACT

To amend and reenact R.S. 32:295.3(D), relative to leaving children unattended and unsupervised in motor vehicles; to provide for increased penalties; and to provide for related matters.

The bill was read by title. Senator Michot moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Smith
Chaisson	Jones	Theunissen
Cheek	Kostelka	Ullo
Cravins	Lentini	
Dardenne	Malone	
Total - 34		

NAYS

Total - 0

ABSENT

Heitmeier	Hollis	Schedler
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 9—

BY REPRESENTATIVE DANIEL

AN ACT

To enact R.S. 14:223.9, relative to crimes against property; to create the crime of unlawful operation of an audiovisual recording device; to provide for penalties; to provide for definitions; to provide for immunity from civil actions under certain circumstances; to provide for exceptions; and to provide for related matters.

The bill was read by title. Senator Michot moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Duplessis	Michot
Amedee	Dupre	Nevers
Barham	Ellington	Romero
Boasso	Gautreaux B	Smith
Broome	Gautreaux N	Theunissen
Cain	Jackson	Ullo
Chaisson	Kostelka	
Dardenne	Marionneaux	

Total - 22

NAYS

Bajoie	Heitmeier	McPherson
Cravins	Jones	Murray
Fields	Lentini	Schedler
Fontenot	Malone	
Total - 11		

ABSENT

Mr. President	Hollis
Cheek	Mount
Total - 4	

The Chair declared the bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 12—

BY REPRESENTATIVES JANE SMITH AND M. POWELL

AN ACT

To enact R.S. 39:1214(C) and (D), relative to invitations to bid for a fiscal agency; to provide that the term of contracts for a fiscal agency with the clerk of court of Bossier Parish may not exceed the term of the clerk; to provide that the term of contracts for a fiscal agency with the clerk of court of Caddo Parish may not exceed the term of the clerk; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

The bill was read by title. Senator Malone moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Mr. President	Heitmeier	Hollis
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Malone moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 13—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 14:223.3(1) and (3), relative to penalties for unauthorized sound reproductions; to reduce the threshold number of phonorecords or counterfeit labels involved for imposition of penalties for violations of the crimes of sound reproductions without consent, recording performances without consent, rental or sale of improperly labeled articles, and counterfeiting or possessing counterfeit labels; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Adley	Heitmeier	Hollis
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 55—

BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 40:969(C), relative to violations of possession of Schedule IV controlled dangerous substances; to provide that a violation requires a person to knowingly and intentionally possess the controlled substance; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Total - 35		

NAYS

Total - 0

ABSENT

Heitmeier	Hollis
Total - 2	

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 83—

BY REPRESENTATIVE KLECKLEY
AN ACT

To enact R.S. 13:2079.1, relative to the office of the Ward Three marshal of the city court of Lake Charles; to provide for the uses of fees and costs collected in civil matters; to authorize the deposit of these fees and costs into a separate account; to authorize payment of a supplemental salary for deputy marshals from the salary of the marshal; to authorize payment for office expenses and other expenses useful to the conduct of the office; and to provide for related matters.

The bill was read by title. Senator Theunissen moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Boasso	Gautreaux N	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Duplessis	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Chaisson	Heitmeier	Hollis
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 106—

BY REPRESENTATIVES JANE SMITH AND LAFLEUR
AN ACT

To amend and reenact Code of Criminal Procedure Articles 161(A)(introductory paragraph) and 163 and to enact Code of Criminal Procedure Article 163.1, relative to search warrants; to authorize the issuance of a search warrant to search a person for deoxyribonucleic acid (DNA) or other bodily samples; to provide for procedures for the execution of such warrants; and to provide for related matters.

The bill was read by title. Senator Adley moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Adley	Ellington	Michot
Amedee	Fields	Mount
Barham	Fontenot	Murray

Boasso	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Total - 32		

NAYS

Jones	Marionneaux
Total - 2	

ABSENT

Bajoie	Duplessis	Hollis
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 127—

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 14:67.5, relative to theft; to create the crime of theft of crawfish; to define the offense; to provide for penalties; and to provide for related matters.

On motion of Senator N. Gautreaux, the bill was read by title and returned to the Calendar, subject to call.

Mr. President in the Chair**HOUSE BILL NO. 174—**

BY REPRESENTATIVE MONTGOMERY

AN ACT

To enact R.S. 38:2212(A)(1)(d)(iii), relative to public contracts; to provide relative to certain contracts advertised and let by the Bossier Parish Police Jury; to increase the contract limit for certain contracts; to provide relative to certain restrictions; to authorize the contract limit to be adjusted annually to reflect inflation; to require the Bossier Parish Police Jury to publish the contract limit under certain circumstances; and to provide for related matters.

The bill was read by title. Senator Adley moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Marionneaux
Adley	Duplessis	McPherson
Amedee	Dupre	Michot
Bajoie	Ellington	Mount
Barham	Fields	Murray
Boasso	Fontenot	Nevers
Broome	Gautreaux B	Romero
Cain	Gautreaux N	Smith
Chaisson	Jackson	Theunissen
Cheek	Jones	Ullo
Cravins	Malone	
Total - 32		

NAYS

Kostelka	Lentini
Total - 2	

ABSENT

Heitmeier	Hollis	Schedler
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Adley moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 189—

BY REPRESENTATIVES E. GUILLORY AND MORRISH AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 27:93(A)(6), relative to fees levied on riverboats in Calcasieu Parish; to provide relative to the levying of admission fees; to authorize the local governing authority in Calcasieu Parish where riverboats are berthed to levy a fee based on monthly net gaming proceeds in lieu of admission fees; to provide for the allocation of funds derived from fees levied by the local governing authority; to authorize contracts for payment of a minimum annual fee and payments of additional amounts; to provide for cooperative endeavor agreements; to provide for legislative intent; and to provide for related matters.

The bill was read by title. Senator Mount moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Cain	Gautreaux N	Nevers
Chaisson	Jones	Romero
Cravins	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Total - 30		

NAYS

Total - 0

ABSENT

Bajoie	Heitmeier	Schedler
Broome	Hollis	
Cheek	Jackson	
Total - 7		

The Chair declared the bill was passed. The title was read and adopted. Senator Mount moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Jackson asked for and obtained the floor of the Senate on a point of personal privilege, and stated she appeared as absent on the vote on House Bill No. 189. She had intended to vote yea on the bill. She asked that the Official Journal so state.

HOUSE BILL NO. 219—

BY REPRESENTATIVE ARNOLD

AN ACT

To amend and reenact R.S. 32:429(A), relative to service and transaction fees levied by local governments to fund office of motor vehicles field offices; to increase the maximum fee allowed per service or transaction; and to provide for related matters.

Floor Amendments Sent Up

Senator Duplessis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

May 24, 2005

Amendments proposed by Senator Duplessis to Engrossed House Bill No. 219 by Representative Arnold

AMENDMENT NO. 1

On page 1, line 4, after "transaction" insert "for certain offices"

AMENDMENT NO. 2

On page 1 line 11, after "state." change "The" to "Except as provided in Paragraph (2) of this Subsection, the" and change "four" to "three"

AMENDMENT NO. 3

On page 1, between lines 14 and 15, insert the following:

"(2) The fee provided for in Paragraph (1) of this Subsection may be levied in an amount not to exceed four dollars by the local governing authority of a parish having a population in excess of four hundred and seventy-five thousand persons as determined by the most recent federal decennial census."

On motion of Senator Duplessis, the amendments were adopted.

The bill was read by title. Senator Duplessis moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Cheek	Gautreaux B
Adley	Cravins	Kostelka
Boasso	Duplessis	Schedler
Broome	Dupre	Theunissen
Chaisson	Fields	Ullo
Total - 15		

NAYS

Amedee	Fontenot	Murray
Barham	Gautreaux N	Nevers
Cain	Lentini	Romero
Dardenne	Malone	Smith
Ellington	Michot	
Total - 14		

ABSENT

Bajoie	Jackson	McPherson
Heitmeier	Jones	Mount
Hollis	Marionneaux	
Total - 8		

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

Senator Jackson, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, she would move to reconsider the vote by which the bill failed to pass.

HOUSE BILL NO. 311—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 11:231(C), 403(introductory paragraph) and (5), 429, 441(A), 444(A)(1)(a), and 461(B), relative to benefits of the Louisiana State Employees' Retirement System; to provide for definitions; to provide for calculation of average compensation; to provide for calculation of benefits; to provide for eligibility to receive benefits; to provide relative to purchase of service credit to be used for benefit calculation; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Theunissen sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Theunissen to Reengrossed House Bill No. 311 by Representative Schneider

AMENDMENT NO. 1

On page 5, line 11, after "~~thereafter~~" delete the remainder of the line

AMENDMENT NO. 2

On page 5, delete line 12, in its entirety

AMENDMENT NO. 3

On page 5, line 13, delete "benefit pursuant to R.S. 11:557 or R.S. 24:36."

AMENDMENT NO. 4

On page 5, delete lines 16 through 20 in their entirety

On motion of Senator Theunissen, the amendments were adopted.

The bill was read by title. Senator B. Gautreaux moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fields	Murray
Amedee	Fontenot	Romero
Barham	Gautreaux B	Schedler
Boasso	Heitmeier	Smith
Chaisson	Lentini	Theunissen
Dardenne	Malone	Ullo
Dupre	Marionneaux	
Ellington	Michot	
Total - 22		

NAYS

Broome	Cravins	Kostelka
Cain	Gautreaux N	Mount
Cheek	Jackson	Nevers
Total - 9		

ABSENT

Mr. President	Duplessis	Jones
Bajoie	Hollis	McPherson
Total - 6		

The Chair declared the amended bill was passed. The title was read and adopted. Senator B. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator N. Gautreaux asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on House Bill No. 311. He voted nay on the bill and had intended to vote yea. He asked that the Official Journal so state.

Personal Privilege

Senator Adley asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on House Bill No. 311. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

May 24, 2005

HOUSE BILL NO. 334—BY REPRESENTATIVE T. POWELL
AN ACT

To amend and reenact R.S. 35:407, relative to ex officio notaries public; to provide that municipal police departments are exempt from giving bond for certain ex officio notaries; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Broome	Heitmeier	Nevers
Cain	Jackson	Romero
Chaisson	Jones	Schedler
Cheek	Kostelka	Smith
Cravins	Lentini	Theunissen
Dardenne	Malone	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Bajoie	Fields
Duplessis	Hollis
Total - 4	

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 24, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 72—

BY SENATOR FONTENOT

A CONCURRENT RESOLUTION

To commend Kelton Whitehead on his many years of service to the District #3 Parks and Recreation of Denham Springs Board of Directors.

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 73—BY SENATOR N. GAUTREAUX AND REPRESENTATIVE HEBERT
A CONCURRENT RESOLUTION

To commend AGL Resources on its decision to invest in Louisiana and encourage future investments in the state.

Reported without amendments.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**Introduction of Resolutions,
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 101—

BY SENATOR FIELDS

A RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Cherral Jack Horton, former East Baton Rouge Parish school teacher.

On motion of Senator Fields, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 74—

BY SENATORS FIELDS AND SMITH

A CONCURRENT RESOLUTION

To express the sincere condolences of the Legislature of Louisiana upon the death of Ben DeLoache Johnson and to pay tribute to his significant contributions to his community.

The resolution was read by title. Senator Fields moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Total - 35		

NAYS

Total - 0

ABSENT

Bajoie	Hollis
Total - 2	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 75—

BY SENATOR N. GAUTREAUX

A CONCURRENT RESOLUTION

To create a task force to study state royalty and tax incentives applicable to the oil and gas industry in order to promote increased oil and gas exploration and drilling activity in Louisiana.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Natural Resources.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

May 24, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 576—

BY REPRESENTATIVE LAMBERT

AN ACT

To enact R.S. 6:332 and 333(F)(16), relative to financial records; to provide relative to the disclosure of such records; to provide relative to attorney trust or escrow accounts; to authorize overdraft notification to the office of disciplinary counsel for the Louisiana Attorney Disciplinary Board; to provide for limitation of liability; and to provide for related matters.

HOUSE BILL NO. 835—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 47:633(7)(c)(iv)(introductory paragraph) and (aa), relative to the severance tax; to exempt from the severance tax certain production on wells which have been inactive; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 668—

BY REPRESENTATIVE KLECKLEY

AN ACT

To enact Subpart C-1 of Part II of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4050.1, relative to Calcasieu Parish; to provide relative to the demolition, removal, replacement, repair, and maintenance of any community or individual sewerage system, or parts thereof, located within the parish which by reason of its nature or condition endangers the public welfare or safety; to provide relative to the levying of fines by the governing authority; and to provide for related matters.

HOUSE BILL NO. 138—

BY REPRESENTATIVES HUTTER AND MCDONALD

AN ACT

To enact R.S. 9:2801(C), relative to the award of attorney fees in a community property partition; to provide that the court may award attorney fees when a party fails to comply with the time limits in a community property partition; and to provide for related matters.

HOUSE BILL NO. 505—

BY REPRESENTATIVES JACK SMITH AND HUTTER

AN ACT

To amend and reenact R.S. 39:32.1(E) and (F) and to enact R.S. 17:3129(F), relative to higher education; to provide relative to budget requests for higher education agencies; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 138—

BY REPRESENTATIVES HUTTER AND MCDONALD

AN ACT

To enact R.S. 9:2801(C), relative to the award of attorney fees in a community property partition; to provide that the court may award attorney fees when a party fails to comply with the time limits in a community property partition; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 505—

BY REPRESENTATIVES JACK SMITH AND HUTTER

AN ACT

To amend and reenact R.S. 39:32.1(E) and (F) and to enact R.S. 17:3129(F), relative to higher education; to provide relative to budget requests for higher education agencies; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 576—

BY REPRESENTATIVE LAMBERT

AN ACT

To enact R.S. 6:332 and 333(F)(16), relative to financial records; to provide relative to the disclosure of such records; to provide relative to attorney trust or escrow accounts; to authorize overdraft notification to the office of disciplinary counsel for the Louisiana Attorney Disciplinary Board; to provide for limitation of liability; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 668—

BY REPRESENTATIVE KLECKLEY

AN ACT

To enact Subpart C-1 of Part II of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4050.1, relative to Calcasieu Parish; to provide relative to the demolition, removal, replacement, repair, and maintenance of any community or individual sewerage system, or parts thereof, located within the parish which by reason of its nature or condition endangers the public welfare or safety; to provide relative to the levying of fines by the governing authority; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 835—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 47:633(7)(c)(iv)(introductory paragraph) and (aa), relative to the severance tax; to exempt from the severance tax certain production on wells which have been inactive; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

May 24, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 18— BY REPRESENTATIVES FAUCHEUX AND QUEZAIRE AND SENATOR AMEDEE

A CONCURRENT RESOLUTION

To urge and request the office of state parks of the Louisiana Department of Culture, Recreation and Tourism in coordination with the Louisiana Department of Wildlife and Fisheries to study the suitability of establishing a state park in the Maurepas Swamp Wildlife Management Area (WMA) and to report findings to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Natural Resources prior to the beginning of the 2006 Regular Session of the Legislature.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Concurrent Resolutions on First Reading

The following House Concurrent Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 18— BY REPRESENTATIVES FAUCHEUX AND QUEZAIRE AND SENATOR AMEDEE

A CONCURRENT RESOLUTION

To urge and request the office of state parks of the Louisiana Department of Culture, Recreation and Tourism in coordination with the Louisiana Department of Wildlife and Fisheries to study the suitability of establishing a state park in the Maurepas Swamp Wildlife Management Area (WMA) and to report findings to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Natural Resources prior to the beginning of the 2006 Regular Session of the Legislature.

The resolution was read by title; lies over under the rules.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Mount, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

May 23, 2005

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

SENATE BILL NO. 3— BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 51:1787(I) and to enact R.S. 51:2457(D), relative to tax credit and rebate incentives; to require audits of certain credits and incentives; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 26— BY SENATOR MCPHERSON

AN ACT

To enact R.S. 47:293(6)(a)(I), relative to individual income tax; to provide a deduction for certain expenses related to living organ donation; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 59— BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 47:297.4 and to repeal R.S. 47:297.2, relative to state income tax credits; to provide for the child care and dependent care expense credits and their calculation; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 96— BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 47:1705(A), 1987, and 1992(A)(1), relative to notices related to ad valorem property taxes; to provide for the notice to be given to taxpayers concerning certain property tax assessments and increases in millage rates without voter approval, and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 104— BY SENATOR ADLEY

AN ACT

To amend and reenact the introductory paragraph of R.S. 51:2452(A) and 2453(2)(f)(I), relative to the Louisiana Quality Jobs Program Act; to provide an additional category for inclusion in the Louisiana Quality Jobs Program Act; to allow physician-based industries to participate in the Louisiana Quality Jobs Program Act; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 108— BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 47:1705(B), relative to information provided regarding millage rates; to require certain notice to the public in any year in which a tax recipient body intends to consider the levy of additional or increased millage rates without voter approval; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 120— BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 47:293(7) and to enact R.S. 47:293(6)(a)(I), relative to income tax deductions; to provide for a deduction for certain medical and dental expenses; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 127—
BY SENATOR HINES

AN ACT

To enact R.S. 47:359(K), relative to occupational license taxes; to provide for the tax imposed on pharmacies where eighty percent of gross revenues of the business comes from the filling of prescription drugs; to provide for the pharmacy license to be based on gross sales of the total business activity with a minimum tax of fifty dollars and a maximum tax of two thousand dollars; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 136—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 47:1125.1(A) and (D), relative to tax credits; to provide for an extension of certain employment tax credits and make them transferable; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 164—
BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 47:1703(A)(2) and (B), relative to the homestead exemption; to provide for the date upon which the homestead may be claimed; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 193—
BY SENATOR FIELDS

AN ACT

To amend and reenact 47:115(A)(3) and (C) and 1624 (A), relative to individual income tax; to provide for the payment of interest on credited overpayments; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 317—
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 15:574.4(H)(4)(o), relative to fees paid by parolees for parole supervision costs; to provide for reduction of the supervision fee amount; to provide terms and conditions; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 322—
BY SENATOR FONTENOT

AN ACT

To enact R.S. 47:6020, relative to income tax credits; to provide relative to environmental economic development incentives; to provide for income tax credits for brownfields investors; to provide for definitions; to provide for certification of such brownfields projects; to provide for the administration, amount, eligibility, use, and other transactions of such credits; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 331—
BY SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 47:301(10)(y) and (18)(k) and to repeal R.S. 47:305(A)(5), relative exemptions from sales and use tax levied by the state; to provide an exclusion from such tax for certain transactions related to crawfish harvesting and production; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 337—
BY SENATOR ELLINGTON

AN ACT

To enact R.S. 47:301(7)(j), (10)(y) and (z), and (18)(k) and (l), relative to exclusions from the sales and use tax of the state and political subdivisions of the state; to provide for an exclusion from state sales tax for certain property used in energy conservation; to provide for an exclusion from the sales and use tax of all tax authorities for certain fuels and feedstock; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 341—
BY SENATOR DUPLESSIS

AN ACT

To enact R.S. 47:6020, relative to the Louisiana digital interactive media producer tax credit; to provide for a sunset date; to limit the credit so that it will not exceed Louisiana expenditures of the production; to authorize a carry forward of tax credits; to provide for administrative procedures for the credit; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 351—
BY SENATOR NEVERS

AN ACT

To enact R.S. 47:287.759, relative to tax credits; to provide certain tax credits to certain contractors and subcontractors who provide certain insurance; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
WILLIE MOUNT
Chairman

Leaves of Absence

The following leaves of absence were asked for and granted:

Hollis 1 Day

Adjournment

Senator Bajoie moved that the Senate adjourn until Wednesday, May 25, 2005, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Wednesday, May 25, 2005.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk